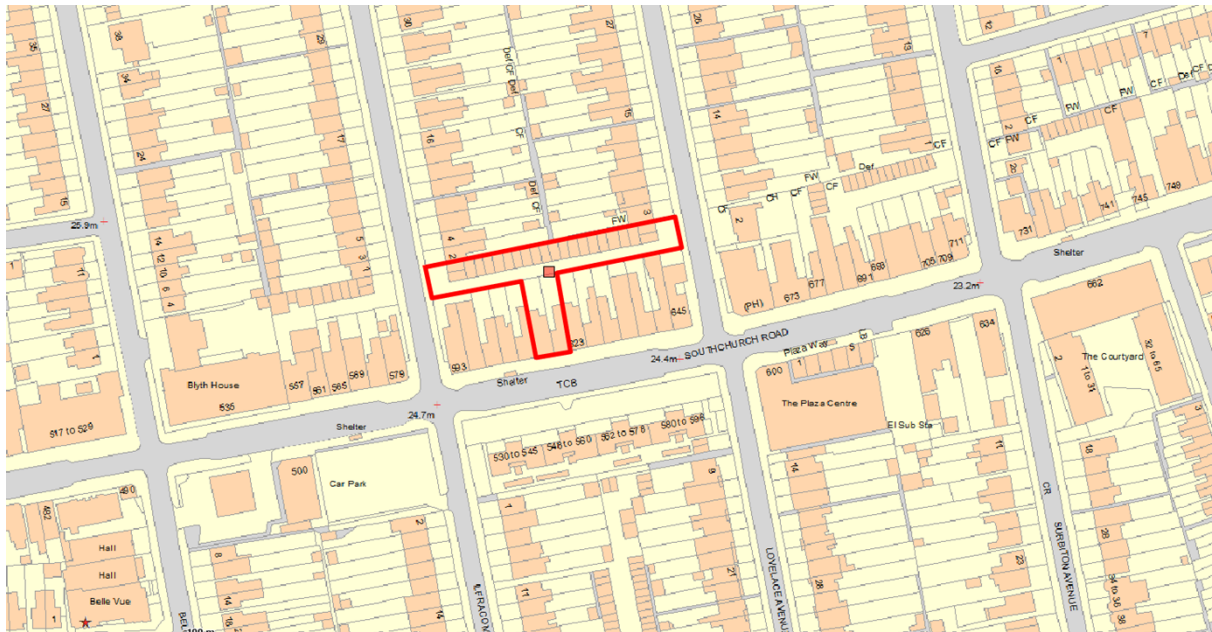


Reference:	21/00220/FUL	
Application Type:	Full Application	
Ward:	Kursaal	
Proposal:	Demolish existing garages and erect 4no. two-storey dwellings, erect single storey extension to rear of existing commercial unit at 615-617 Southchurch Road to form self-contained flat, layout hardstanding, parking and refuse stores, together with alterations to vehicular accesses at Ilfracombe Road and Lovelace Gardens	
Address:	613 To 619 and garages to rear of 593 to 647 Southchurch Road, Southend-on-Sea	
Applicant:	Harrison-Moore	
Agent:	AWW Sherlock of AWW	
Consultation Expiry:	28th October 2022	
Expiry Date:	8th December 2022	
Case Officer:	Robert Lilburn	
Plan Nos:	0100 A Location Plan 0110 B Existing Site Plan 0111 E Proposed Site 0150 B Existing Ground Floor Site Plan 0200 E Proposed Ground Floor Site Plan 0151 Existing First Floor Site Plan 0201 E Proposed First Floor Site Plan 0152 Existing Garage Plans 0153 A Existing Commercial Ground & First Floor Plans 0212 E Proposed Flat Plans 0209 A End House 2 Plans 0210 D Proposed End Terrace House Plans 0211 C Proposed Mews Plans 0160 Existing Site Elevations 0300 A Proposed Site Elevations 0307 C Proposed (New Rear Flat) Elevation 0305 C Proposed House 1 Elevations 0308 Proposed House 2 Elevations 0306 C Mews House Elevations 0400 B Axonometric Drawings 0900 3D Views	
Supporting Documents:	Design and Access Statement January 2021 Preliminary Arboricultural Assessment dated June 2021 Report No: RT-MME-155176-01	

	<p>Preliminary ecological appraisal dated June 2021 Report No: RT-MME-155176-03</p> <p>Preliminary bat roost assessment dated June 2021 Report No: RT-MME-155176-04</p> <p>Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III</p> <p>Letter from Sorrell Chartered Surveyors 26th July 2021</p>
<p>Recommendation:</p>	<p>GRANT PLANNING PERMISSION subject to conditions</p>



1 Site and Surroundings

- 1.1 The proposal relates to the two adjoining mixed-use terrace units at Nos 613-619 Southchurch Road and the garages and rear alleyway behind the entire terrace of Nos 593-645 Southchurch Road running between Ilfracombe Road and Lovelace Gardens.
- 1.2 No 613-619 Southchurch Road forms part of a red-brick parade of shops and other high-street uses, with flats above. It contains one commercial unit at ground floor with two residential units, above and at ground floor to the rear. Across the terrace as a whole, the upper floors and rear spaces (where applicable) from No 603 to 637 Southchurch Road appear to have independent pedestrian access doors to the front, off Southchurch Road.
- 1.3 The garages are a row of 22 single-storey units, 4 of which open out towards the side roads of Ilfracombe Road and Lovelace Gardens. Historic mapping shows that the garages were constructed between 1922 and 1939, at a similar time to the buildings fronting Southchurch Road. A block of 7 garages of a similar design can be found on the other side of Ilfracombe Road. The garages are finished externally in yellow stock brick, slate roofs with terracotta capped party wall detailing, and (principally) timber double doors.
- 1.4 The site is within a generally residential area, characterised beyond the mixed-use frontage of Southchurch Road by terraced dwellings with large rear gardens. The site incorporates part of the secondary shopping frontage at the existing commercial units. It is situated in Flood Zone 1.

2 The Proposal

- 2.1 The application proposes the erection of 4no. two-storey dwellings, following demolition of the garages, and a self-contained flat. 2no. two-storey dwellings would occupy spaces at and adjacent to the ends of the terraces at Ilfracombe Road and Lovelace Gardens respectively, and a further pair of two-storey dwellings would be situated equidistant between these. Back-to-back rear gardens would separate the proposed dwellings along the alignment of the garages, bordering the domestic gardens to the north.
- 2.2 The proposed dwelling at Ilfracombe Road would adjoin the existing terrace, while the dwelling at Lovelace Gardens would be detached. The pair of mews houses would be semi-detached. The flat would be created within a single-storey rear extension behind 613-619 Southchurch Road.
- 2.3 The proposal incorporates the provision of dropped kerb alterations, off-street car parking, soft and hard landscaping and boundary treatments. Southward extensions to the dropped kerb vehicular accesses at Lovelace Gardens to the east, and at Ilfracombe Road to the west, are proposed.
- 2.4 No changes are proposed to the internal arrangements of the existing commercial and residential accommodation at 613-619 Southchurch Road.
- 2.5 Proposed external materials are described as grey slate roof tiles, aluminium window and door goods, red brick garden walls and permeable paving.

- 2.6 The application has been called into planning committee by Councillor Dent. The application was deferred from September 2021 planning committee at the request of officers to allow for further consideration of ecological matters. A revised Bat Survey has been submitted, titled Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III. This was amended in November 2022 to address a query regarding the site description and for indexing purposes.

3 Relevant Planning History

- 3.1 21/00726/FUL: Change of use of part of ground floor from retail unit (Class A1) to self-contained flat (Class C3), erect single storey rear extension, form new vehicular access from Ilfracombe Road, and layout parking, amenity space, bin and cycle storage, erect new boundary fence and alter elevations at 579 Southchurch Road. Approved 07.07.2021.
- 3.2 18/00832/FUL: Change of use of ground floor from shop class A1 to nail salon sui generis at 639 Southchurch Road. Approved.
- 3.3 16/01692/PA3COU: Change of use of existing first floor offices class BA to 1 self-contained flat class C3 prior approval at 593 to 599 Southchurch Road. Approved.
- 3.4 16/01201/PA3COU: Change of use of existing first floor office class B1a to one self-contained flat class C3 at 593 to 599 Southchurch Road (prior approval) Refused.
- 3.5 13/01559/FUL: Extend existing vehicle access onto Ilfracombe Road at 2B Ilfracombe Road was refused for reasons relating to the impact on a street tree.
- 3.6 10/01296/FUL: Use kitchen showroom class A1 as offices class A2 at 633 Southchurch Road. Approved.
- 3.7 07/01749/CLE: Use of balcony for recreational purposes certificate of lawful use as existing at 635 Southchurch Road. Lawful development certificate granted.
- 3.8 03/00824/FUL for use of 613 Southchurch Road as a beauty salon was approved.
- 3.9 Earlier planning history was for use of a shop at 615 and 617 Southchurch Road as estate agent's office (87/0092) and for shopfront alterations and signage. These do not have a material bearing on the proposal.

4 Representation Summary

4.1 Public Consultation

76 neighbouring properties were notified and a site notice was posted. Re-notification has been carried out on two occasions, one in light of the updated ecological survey and again following a material update to the proposed plans and description (alterations to vehicular accesses). Some 55 letters of representation, objecting to the proposal, have been received from and on behalf of some 24 parties including residents and businesses. Matters raised are summarised as follows:

- Garages are in constant use and there is a waiting list for them;
- Dispute submitted statement in regard to demand for garages;

- Garages should be used for small business/creative uses;
- impact on character of the area through loss of existing built fabric and historic quality, and impact on trees;
- Existing buildings should be preserved as heritage assets and listed;
- Modern buildings out of character with the area;
- Proposal is cramming in new dwellings;
- Impacts on neighbour amenities including loss of daylight, loss of privacy, overshadowing, visual impact and enclosure to dwellings and private amenity spaces;
- Effects reducing warmth received by sun to neighbouring property walls;
- A daylight and sunlight assessment should be provided, including given submission of Right of Light Consulting document dated 14 May 2021 on behalf of neighbouring property;
- Further to Policy DM3 there should be a stepping in at first floor;
- impact on amenities of the wider area
- Impacts of noise, access and disturbance during construction;
- Impacts on nearby businesses including operational access, storage, parking, customer access and servicing;
- Impact on car parking provision and demand, access for residents, traffic congestion and highway safety;
- Impact on servicing access for residents including waste management and emergency services including fire service access – recent fire at 609 Southchurch Road required alleyway access;
- Swept path analysis shows that access is not possible;
- Impact on the highway operation and safety would be severe;
- Displacement of the existing parking provision including that for existing flats. A swept path analysis should be provided to show access can be continued. The objector has provided a swept path analysis to show that the development would not allow for access along with existing on-street parking arrangements and that extending dropped kerbs will displace existing parking in an area of high parking stress, which will be worsened by proposals for Ilfracombe car park; [**officer comment**: there would be dropped kerb extensions southwards only at both Lovelace Gardens and Ilfracombe Road. The highways officer has previously confirmed no objections to the proposal with regard to wider impacts of the development's density on the public highway network];
- Amount and quality of outdoor amenity space for future occupiers;
- Quality of surroundings for future occupiers;
- Waste management concerns;
- Lack of supporting information relating to impacts on trees, highways, flooding, neighbour amenities and ecology;
- Full assessment of ecological impacts including European protected species;
- Drainage impacts and flood risk concerns;
- Effects on structural stability of neighbouring dwellings;
- Missing elevations [**officer comment**: revised drawings have been submitted];
- Accuracy of submitted drawings and supporting information [**officer comment**: revised drawings have been submitted];
- Lack of detailed drawings [**officer comment**: revised drawings have been submitted];
- Misleading reference on plans to a proposed 'end of terrace' dwelling at Lovelace Gardens; [**officer comment**: this annotation error is noted and has been addressed by the applicant]
- No need for more flats;

- Impacts on infrastructure;
- Application validation, notification and consultation process concerns;
- Impacts on biodiversity and protected species;
- Alleges that a slow worm reptile has been found in the neighbouring garden, and that impacts on habitats, species and ecology including reptiles and bats have not been properly addressed in the submitted appraisal, and the assessment of the application;
- Concerns at methodology and conclusions of submitted supporting ecological and arboricultural assessments;
- Not lawful to condition further wildlife surveys as part of planning permission [**officer comment:** revised details have been submitted, specifically the Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III];
- Party wall concerns;
- Concerns raised prior to deferral from previous committee have not been fully addressed.

4.2 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Those remaining are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.3 **Environmental Health**

No objection.

4.4 **Parks – Environmental Projects**

Note the findings of the submitted Nocturnal Bat Survey Report (July 2022). Bats and other protected species appear to be absent from the site. There remains the opportunity for the development to include biodiversity enhancing measures. Further consideration has been given to the need for specific surveys for other protected species and given the site characteristics it would not be proportionate to carry out a survey for badgers and slow worms. [**officer comment:** Planning Practice Guidance *Protected species and development: advice for local planning authorities* is Natural England's 'standing advice', updated 8 September 2022. It sets out the likely circumstances in which surveys for protected species should be required. These matters are considered further below in Section 7].

4.5 **Parks – Arboriculturist**

Existing trees on the site are of low value and there is no objection to their removal.

4.6 **Essex Fire Service**

No objections, subject to informatives relating to water supplies for firefighting and sprinkler systems. Fire Service note in relation to the recent fire that the layout shown would allow access to all properties, including those towards the centre of the terrace, if the parking spaces shown are filled. Any vehicles parked further towards either end of the alley would be likely to cause access issues. [**officer comment:** There is no demarcated parking in the alley as existing. A parking management plan can be secured by a condition on any planning permission to limit opportunistic parking].

4.7 **Highways Team**

No objections on highway network grounds. Notes that the vehicular crossing width does not allow two vehicles to pass due to the existing street tree at Lovelace Gardens.

[**officer comment:** this matter is considered further in Section 7 below].

4.8 **Essex Badger Protection Group**

Records and site characteristics indicate that badgers are unlikely to be at risk of harm by the proposals. Standard mitigation measures are recommended during construction.

5 Planning Policy Summary

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

5.2 Planning Practice Guidance and National Design Guide (2021)

5.3 Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP1 (Employment Generating Development) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)

5.4 Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality) DM2 (Low Carbon and Efficient Use of Resources) DM3 (The Efficient and Effective Use of Land) DM7 (Dwelling Mix, Size and Type) DM8 (Residential Standards) DM13 (Shopping Frontage Management outside the Town Centre) DM15 (Sustainable Transport Management)

5.5 Southend-on-Sea Design & Townscape Guide (2009)

5.6 Southend-on-Sea Vehicle Crossover Policy (2021)

5.7 National Technical Housing Standards (2015)

5.8 Technical Housing Standards Policy Transition Statement (2015)

5.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)

5.10 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)

5.11 Southend-on-Sea Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

5.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations are the principle of the development, design and impact on the character of the area, business and employment impacts, impacts on residential amenity, living conditions for future occupiers, highway implications, sustainability, trees, ecology, compliance with the Essex Coast RAMS SPD and CIL liability.

7 Appraisal

Principle of Development

- 7.1 The National Planning Policy Framework (NPPF) encourages effective use of land, in particular previously developed land. It notes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 7.2 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. 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".
- 7.3 Policy DM3 defines backland and infill developments. The proposal shows characteristics of both backland and infill developments. While such sites are important for housing delivery in Southend, DM3 states that their development will be resisted where they:
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents,
 - (ii) Conflict with the character and grain of the local area,
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8 or DM3 or
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.
- These matters are assessed in the detail in the main body of the report.
- 7.4 Policy CP1 of the Core Strategy states that "Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area".
- 7.5 Policy DM7 notes that the council will look favourably upon the provision of family size housing on smaller sites particularly where surrounding building types provide an appropriate context for this type of development.
- 7.6 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a

suitable size for families.

- 7.7 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 of which four of the five units would be in the form of houses 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.
- 7.8 The site is located within the built-up area and in reasonable proximity to services and transport links. This is a sustainable general location for development which conforms to the prevailing land use around it. The development would add to the supply of dwellings.
- 7.9 Given the small size and 'lock-up' character of the garages, it is considered that they do not contribute significantly to the provision of employment space.
- 7.10 The submitted plan shows that the existing garages measure some 6.3m deep by 3.4m wide. These dimensions would not meet the adopted standards for garage parking. The alley measures some 4.8m in width. A space of 6m in front of parking is ordinarily sought in new developments to provide for manoeuvring.
- 7.11 As parking provision therefore, the existing garages, with the exception of the two pairs of garages at either end, are of a relatively poor standard in terms of accessibility and usability for car parking purposes. Although the area is subject to a degree of parking stress the use of the land for garaging, whether as lock-up storage or car parking, does not represent the most efficient use of the land.
- 7.12 The applicant has provided a Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III which updates the 2021 Preliminary Roost Assessment. The survey sought to identify if bats are using the existing buildings and their value for bat roosts. It finds that although there is some potential for small scale roosting opportunities, and bat activity was observed around the site, no roosts were identified within the site. The survey concludes that bat roosts are likely absent from the site.
- 7.13 The intensification and change of use of the rear curtilage of nos. 613-619 Southchurch Road would not significantly prejudice the provision of a business use and an active frontage. The submitted plans indicate retention of the commercial unit fronting Southchurch Road and the proposal would not be harmful to the vitality and viability of the local centre and that secondary shopping frontage. The plans identify space for commercial bin storage adjacent the alley and accessible from the rear of the unit.
- 7.14 The garages have been considered by the Environment, Culture, Tourism & Planning Working Party (29th July 2021) in response to a local-listing proposal. The local listing criteria requires that new additions either demonstrate the City history particularly in relation to public buildings or have architectural interest ('be designed by a well-known architect or be a good example of a particular style, contain good architectural features or be important to the townscape'). In this case it was found that the buildings are less than 100 years old, are not important to the townscape of Southchurch Road and the architect is unknown. Whilst they are relatively intact and do have some historic value as a group, it is considered that, on balance, there are other similar buildings in the City

which are already protected, which are older and better examples of this type of building, and which are more significant to the city. It was therefore recommended that the garages not be added to the local list.

- 7.15 In light of the above it would not be reasonable in principle to seek the retention of the garages on character grounds. The demolition of the existing garages for appropriate housing provision is considered acceptable in principle and consistent with local and national policy objectives. The development would be sited and aligned with the prevailing urban grain. The proposed re-use and intensification of the site would be for residential use, conforming to the mainly residential setting of the locality. The development would use previously developed land. Giving particular weight to the shortfall in housing supply, the proposal is acceptable and policy compliant in principle.

Design and Impact on the Character of the Area

- 7.16 The NPPF states that planning decisions “should ensure that developments ...are visually attractive as a result of good architecture and ...are sympathetic to local character including the surrounding built environment while not preventing or discouraging appropriate innovation or change (such as increased densities)”.
- 7.17 The National Design Guide notes that context including the grain of development, landscaping and the natural environment are important aspects of place and good design. Well-designed new development is integrated into its wider surroundings and responds positively to its context.
- 7.18 Policy DM1 requires development to respect the townscape and contribute positively to the space between buildings and their relationship to the public realm. The importance of good design is reflected in Policies KP2 and CP4, and in Policy DM3, which seek to maintain and enhance the amenities, appeal and character of residential areas. Policy DM3(ii) notes that development should not conflict with the character and grain of the local area.
- 7.19 It is considered that the proposal would reasonably follow the existing grain of development and correspond to the surroundings while making use of previously developed land. The lower-key design of the mews houses would reflect their positioning away from the street frontage.
- 7.20 To maintain a reasonable integration with their surroundings, permitted development rights can be removed by a condition on a planning permission. It is considered that the scale, layout and detailed design of all elements of the proposal would correspond satisfactorily to the surroundings, including the characteristics of the existing street-fronting terraced dwellings at both the east and west ends of the site. The development would have an acceptable appearance in the street scene.
- 7.21 It is considered that the proposed extension containing the new flat would be a low-profile addition to the Southchurch Road terrace. Its scale and design would be reasonably in keeping with existing additions at the rear of the terrace and would not be significantly harmful in design and townscape terms.
- 7.22 The identified external materials proposed are considered to be acceptable in general, and final specifications of the external materials and of hard landscaping can reasonably be secured through planning conditions.

- 7.23 The proposal would lead to the loss of trees on the site which have been identified as of low amenity value. Soft landscaping can reasonably be secured through a planning condition and the loss of the low value existing trees is not considered in itself, to justify a refusal of planning permission. Details of tree protection measures where appropriate, in this case the nearest 'Category B' street tree next to no.3 Lovelace Gardens, can be secured through a planning condition. A detailed scheme of soft landscaping can be secured through a planning condition and there is scope for the inclusion of appropriate trees within the site and development context.
- 7.24 It is considered that the proposal would integrate acceptably to the character and grain of the surroundings, street scene and wider townscape, and is acceptable and policy compliant on design grounds including Policy DM3(ii).

Impact on Residential Amenity

- 7.25 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.26 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". Policy DM3(i) states that development should not create a detrimental impact upon the amenity of neighbouring residents.
- 7.27 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".
- 7.28 The existing garages run in a continuous line adjacent to the southern boundary with the neighbouring domestic gardens to the north and measure some 2.9m to eaves and 4.9m to ridge level.
- 7.29 The proposed development would reconfigure this relationship whereby the two-storey form of the proposed street-fronting dwellings would be generally aligned with the existing terraced dwellings and would incorporate single storey projections of some 4.6m depth, some 2.6m in height to eaves level and 4m in height to roof ridge. There would then be a gap of at least some 13m, comprising of a boundary wall some 2.3m height and terminating with the proposed mews houses alongside the far end of the existing gardens, which would be flat roofed and some 6.5m in height.
- 7.30 The proposed westernmost terraced street-fronting dwelling would adjoin the flank wall of the existing flats at No.2 Ilfracombe Road. The proposed easternmost street-fronting dwelling would be situated adjacent to the flank wall of the dwelling at No.3 Lovelace Gardens. This would impact upon secondary sources of daylight and outlook, in particular those southwards-facing at No.3 Lovelace Gardens. On the basis that these are secondary sources of daylight and outlook, as confirmed in correspondence, the impacts on daylight, shadowing and outlook to those openings would not be sufficiently harmful to neighbour amenities to justify a refusal of planning permission.

- 7.31 The proposed mews houses would have a greater impact on neighbouring occupiers than the existing built form when taken in isolation. They would be positioned adjacent to the far ends of the existing gardens. Taking account of the existing site conditions and the proposed overall layout and design of the development, it is considered that it would not impact on existing neighbouring occupiers to the north in terms of overshadowing, loss of daylight, loss of outlook, sense of enclosure or overbearing impact, to a degree that would justify a refusal of planning permission on this basis.
- 7.32 By reason of their position, scale, design and layout, including their alignment with the existing end-terraces, the proposed street-fronting houses would not have a significantly harmful impact on the immediate neighbours' amenity or that of any other surrounding occupiers in any relevant regard.
- 7.33 The proposed mews houses have been designed with 'oriel' windows and the angling of these would be sufficient to mitigate any actual or perceived loss of privacy arising from the first-floor windows to the neighbouring gardens to the north. Their oriel design would not detract from the character and appearance of the proposed dwellings, are considered not to be unduly contrived and would integrate reasonably with the wider built environment. Their provision can be secured by a planning condition.
- 7.34 The separation of the mews and street-fronting houses from the mixed commercial and residential parade would be sufficient to mitigate any loss of privacy arising given the design and layout of the proposed dwellings.
- 7.35 In the interests of maintaining neighbour privacy a condition can be attached to any planning permission prohibiting the use of flat roofed areas as balconies or amenity terraces.
- 7.36 The proposed flatted accommodation to be adjoined to the rear of the existing terrace of shops and flats would have some enclosing effect to the kitchen and dining space identified at the ground floor of the maisonette at no.619 Southchurch Road. It would principally affect the kitchen windows; the dining room windows identified are situated within an existing narrow well between outriggers and associated structures such that their light and outlook is already restricted.
- 7.37 The proposed flatted accommodation would be a single-storey extension, flat roofed and some 3.1m in height. By reason of its position and given the existing conditions of no.619's dining room windows, it is considered that the proposed single-storey extension would have some impact but would not significantly change the dining room's already-compromised light and outlook. Overall, the proposal would not have a significantly harmful effect on the ground floor accommodation to the south with regard to daylight conditions, or in any other relevant regard.
- 7.38 The proposal would intensify the use of the site and introduce noise impacts from occupiers and comings and goings. Taking into account the existing use, within the built environment these impacts would be within reasonable parameters given the scale and character of the proposal.
- 7.39 Given the proximity of the development to neighbouring properties and relationship with the surroundings, removal of permitted development rights, controllable by condition, will enable the impacts of future extensions or outbuildings at the dwellings on neighbours' amenity to be fully assessed. A planning condition to control new external

lighting condition is also recommended.

- 7.40 Subject to the described conditions it is considered that the proposal is acceptable and policy compliant, including in respect of Policy DM3(i), in its impacts on neighbour amenities.

Living conditions

- 7.41 The NPPF states that planning decisions should ensure that developments 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.
- 7.42 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 7.43 Further to this, from the 1 October 2015 the Nationally Described Space Standards (NDSS) have been adopted and state that the following internal floor spaces are required:
- 1b2p single-storey dwelling: 50sqm;
 - 3b5p two-storey dwelling: 93sqm.
- 7.44 The proposed two-storey dwellings would exceed these requirements providing some 103sqm and 125sqm GIA as 3b5p accommodation. The proposed 1b2p flat of some 52sqm GIA would also exceed the requirement. The proposed room sizes all meet the identified standards.
- 7.45 The proposed flat would have an outlook onto amenity space of a reasonable size for the unit concerned and the daylight and outlook conditions to the flat would be acceptable. Good daylight and outlook conditions would be provided to the four two-storey dwellings.
- 7.46 The proposed two-storey dwellings would be separated at two-storey level by some 19m. Given the proposed design this separation distance is considered to achieve satisfactory privacy conditions within each dwelling and its associated private amenity space which is considered to meet the reasonable needs of the dwellings' future occupiers in accordance with Policies DM8 and DM3 iii).
- 7.47 The submitted elevations indicate that the dwellings would have level access. The application does not demonstrate M4(2) accessibility compliance. However, this appears feasible based on the submitted plans and can be satisfactorily addressed by condition.
- 7.48 The submitted plans indicate secure covered cycle storage and bin storage for each dwelling. This is considered acceptable. The proposal is considered acceptable and compliant with the policies relating to living conditions.

Traffic and Transportation Issues

- 7.49 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”.
- 7.50 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. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”*. The adopted Vehicle Parking Standards state that two spaces should be provided per dwelling at this location.
- 7.51 The proposal includes two spaces per street-fronting dwelling and one space per mews dwelling and for the flat respectively; these are of appropriate dimensions. The Highways officer has noted that the accessibility of parking serving the dwelling fronting Lovelace Gardens would be affected by the street tree. Noting the existing parking that takes place in front of the garages, and the desirability of maintaining the street tree, and thus a narrower than usual access, this is considered acceptable in the context that the parking serves an individual dwelling house in which parking can be reasonably managed between occupiers.
- 7.52 Given the sustainable location close to shops, services and public transport and given the indicated secure cycle storage, the reduced level of provision for the mews houses is considered acceptable in the circumstances of this proposal.
- 7.53 The proposed alterations to the vehicular accesses at Ilfracombe Road and Lovelace Gardens are considered acceptable. The development would narrow the alley in places from some 4.6m-4.9m as existing, to some 3.5m to 4.8m. Given the context it is considered that this would not be significantly harmful to the useability of the alley.
- 7.54 The applicant has identified two individual off-street parking positions within the alley for the mews houses. At these two positions the parking for the mews houses would not harmfully affect accesses into the rear curtilages of the properties fronting Southchurch Road. They would reduce the passing width to some 2.8m. Given the usage of the access and for the short distance affected it is not considered that this would prejudice safety or accessibility and would be acceptable.
- 7.55 The demarcation of parking and the definition of dwelling curtilages can be required by a planning condition to manage parking and access in the interests of the free flow of traffic.
- 7.56 The proposed access alteration at the west end of the alley on to Ilfracombe Road would not conflict with the approved alterations on the opposite side of the street, further to application 21/00726/FUL referenced at 3.1 above.

- 7.57 The proposed alterations to the alleyway accesses would affect on-street parking on both Ilfracombe Road and Lovelace Gardens. Each would likely reduce on-street parking availability at the southern ends of each street by one car. Although there is a degree of parking pressure in the area, these impacts can be readily absorbed in the wider area and are not significantly harmful. Highway safety would not be unacceptably harmed, and residual impacts would not be severe.
- 7.58 Details of electric vehicle charging points further to be adopted SPD can be secured through a planning condition.
- 7.59 Subject to the described conditions, the proposals are considered acceptable and policy compliant in regard to the provision of off-street car parking and the impacts of the development on the public highway.

Impacts on Trees

- 7.60 KP2 seeks development which respects the natural environment including biodiversity and green space resources, as well as enhancing the ecological and amenity value of the local environment. CP4 requires that development maintains and enhances the amenities, appeal and character of residential areas, protecting and enhancing the area's biodiversity and protecting natural resources from inappropriate development.
- 7.61 Policy DM1 states that the Council will support good quality innovative design that contributes positively to the creation of successful places. Policy DM3(iv) states that development on back land and infill sites will be resisted where the proposals result in the loss of local ecological assets including wildlife habitats and significant or protected trees.
- 7.62 The Guide notes that new proposals should be designed to accommodate existing trees and other landscape features where possible. Existing trees should be retained, especially where they make a significant contribution to public amenity. The Council will consider safeguarding such trees with a Tree Preservation Order (TPO).
- 7.63 The submitted Arboricultural Assessment surveys 8 nearby individual trees and a small group of conjoined sycamores identified as Group G1.
- 7.64 The small group and the 2 individual trees T7 and T8 would be removed as part of the development. They are identified as 'Retention Category C'. This category refers to trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. Given the Category C retention value of these trees there is no objection in principle to their loss, subject to a suitable soft landscaping scheme which should provide for new tree planting and biodiversity net gain. This can be secured by planning conditions.
- 7.65 The 'Retention Category B' trees T3 and T6 are street trees reasonably removed from the site boundary, and are unlikely to be affected by the proposed works. The 'Category B' tree T5 is a Callery Pear street tree close to no.3 Lovelace Gardens. Given its proximity to the development site, protection measures in accordance with British Standards should be required by a condition on any planning permission.
- 7.66 The development would encroach upon the root protection area (RPA) of a Category C Cypress tree (T4) outside the application site, situated close to the boundary between

the flats and dwelling neighbouring to the north. The Arboricultural Assessment notes further to BS5837:2012 that specially engineered structures within RPAs may be justified if this enables the retention of a good quality tree that would otherwise be lost (usually Categories A or B). The remaining trees in Category C which cannot be translocated due to age and size would provide only temporary or transient landscape benefits until new tree planting becomes established and therefore, should not constrain the development of a site. Furthermore T4 has the potential to encroach upon the proposed development in future. The remaining Category C trees on Ilfracombe Gardens (T1 and T2) would not be significantly affected given their position relative to the site.

- 7.67 It is therefore considered that impacts upon tree T4 would not be significantly harmful to the character and quality of the area in the longer term and would not justify a planning condition requiring protection measures. This is without prejudice to party wall or other private considerations which would not significantly influence the planning merits of the case.
- 7.68 If works take place during the bird breeding season, usually from March to September inclusive, trees and hedgerows should be checked for nesting birds. Should any tree removal be required works should be completed outside the breeding season or in the presence of a suitably qualified ecologist. A condition can be attached to any planning permission in this regard. The development is therefore considered to be in accordance with policy, including Policy DM3(iv) in this respect.

Sustainability and Ecology

- 7.69 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the development, where feasible, should be provided by renewables in order to meet Policy KP2.
- 7.70 No details of renewable energy technologies have been indicated on the submitted plans. Full details could be reasonably secured through the use of a planning condition given the scope available in this case.
- 7.71 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 (lpd) (110lpd when including external water consumption). This requirement could be dealt with by condition.
- 7.72 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.
- 7.73 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.

- 7.74 The proposal would involve a net increase of five dwellings within the Zone of Influence. The applicant has provided for appropriate mitigation through a relevant payment.
- 7.75 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.
- 7.76 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”*.
- 7.77 Planning Practice Guidance refers to Natural England’s standing advice for protected species.
- 7.78 The submitted Bat Survey Report concludes that bat activity was recorded throughout the surveys with only common and widespread species being identified within the local area. Commuting activity comprised the majority of the recorded activity around the buildings and garages. No bat roosts were located within the site during the surveys. As such, it is deemed that bat roosts are likely absent from the site. The report makes recommendations for mitigation measure and enhancements which can be addressed in conditions.
- 7.79 Natural England’s ‘standing advice’ sets out the likely circumstances in which surveys for protected species should be required. The submitted Preliminary Ecological Appraisal dated June 2021 Report No: RT-MME-155176-03 addressed the suitability of the site for slow worm and other reptile habitat, and for badger habitat, and found it not suitable. It noted records of activity within a 1km radius. It is considered to have been reasonably shown that detailed surveys for these species are not required. The site is not likely to support other protected mammal, reptile or amphibian species. It is therefore unnecessary to require survey work for these species. Noting the recommendations of the submitted bat survey and the comments from the Essex Badger Protection Group, biodiversity enhancement and standard measures for badger protection, and protection of other mammals and birds during construction can be secured through planning conditions.
- 7.80 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 proposal would not increase the proportion of non-porous ground; as existing the site is largely non-porous. The use of permeable block paving can be secured through a planning condition.
- 7.81 Subject to the described conditions the proposal is considered to be policy compliant, including with Policy DM3 (iv), in this respect and acceptable on sustainability grounds.

Community Infrastructure Levy (CIL)

- 7.82 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 490.13sqm, which may equate to a CIL charge of approximately £12517 (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 Council has a deficit in housing land supply so the tilted balance in favour of sustainable development is applied when determining the application. Therefore if any harm were identified it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the *National Planning Policy Framework* is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the *Framework* taken as a whole. The development provides four additional family dwellings and one smaller dwelling, which would be a public benefit, and would re-use brownfield land for that purpose.
- 8.2 The proposal would have an acceptable impact on the character and appearance of the application site, street scene and the locality more widely. The development's impacts on the amenities of neighbouring occupiers would be within reasonable parameters. The development would provide for reasonable amenities for future occupiers. There would be no significantly adverse traffic, parking or highways impacts caused by the proposed development to justify a refusal of planning permission. The application has reasonably demonstrated that there would be no significant impacts on protected species.
- 8.3 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 tilted balance justifies approval of the application. This application is therefore 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 from the date of this decision.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

**0100 A Location Plan
0110 B Existing Site Plan
0111 E Proposed Site
0150 B Existing Ground Floor Site Plan
0200 E Proposed Ground Floor Site Plan
0151 Existing First Floor Site Plan
0201 E Proposed First Floor Site Plan
0152 Existing Garage Plans
0153 A Existing Commercial Ground & First Floor Plans
0212 E Proposed Flat Plans
0209 A End House 2 Plans
0210 D Proposed End Terrace House Plans
0211 C Proposed Mews Plans
0160 Existing Site Elevations
0300 A Proposed Site Elevations
0307 C Proposed (New Rear Flat) Elevation
0305 C Proposed House 1 Elevations
0308 Proposed House 2 Elevations
0306 C Mews House Elevations
0400 B Axonometric Drawings
0900 3D Views.**

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

03. The first-floor rear windows on the mews houses as shown on the approved plans including 0111E shall only be oriel windows as shown on plan 0211C.

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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04. No demolition or development of any kind shall take place at the site unless and until a scheme for the protection of the street tree on Lovelace Gardens identified as T5 on the submitted Arboricultural Assessment 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. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

Reason: In the interests of visual amenity further to the National Planning Policy Framework (2021), 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).

- 05. 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 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).

- 06. Other than demolition, no development above ground floor slab level shall take place until samples and specifications of the materials to be used on all the external elevations of the development hereby approved 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 occupied.**

Reason: In the interests of visual amenity and to ensure that the appearance of the buildings makes a positive contribution to the character and appearance of the area, further to the National Planning Policy Framework 2021, 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 National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 07. No development other than demolition and site preparation works shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:**

- i. hard surfacing materials;**
- ii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- iii. details of measures to enhance biodiversity within the site, including bat boxes, hedgehog passes, and bird boxes;**
- iv. details of any permeable paving or other sustainable drainage measures to be implemented;**
- v. all and any means of enclosing the site and subdividing it, including clear demarcation of dwelling curtilages and parking areas.**

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 in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and drainage is implemented

pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 08. 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 for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full with a validation report provided and agreed in writing before the development is occupied.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with National Planning Policy Framework 2021, Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 09. At least 10% of the total energy needs of the new dwellings hereby approved 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).

- 10. Prior to the first occupation of the development hereby approved the access road, together with properly constructed vehicular access, car parking and turning areas identified on the plan 0111 E hereby approved shall have been provided and made available for use by the occupants of the proposed dwellings and their visitors and shall be retained as such for the lifetime of the development.**

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

- 11. Prior to first occupation of the dwellings hereby approved, no fewer than 5 active electric vehicle (EV) charging points shall have been provided at the site 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 Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015),) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 12.** The development hereby approved shall not be occupied until and unless provision for secure covered cycle and refuse/recycling storage for occupiers of the development has been provided at the site in accordance with the details shown on plan 0200 E. The facilities shall be maintained thereafter for the lifetime of the development.

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

- 13.** 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 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 Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 14.** Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Part 1, and Class A of Part 2, of Schedule 2 to the Town and Country Planning (General Permitted Development) 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, porches, roof extensions, outbuildings or external boundary treatments (gates, walls and fences) shall be erected at the dwellings hereby approved without the prior 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 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).

- 15.** Prior to first occupation of the dwellings hereby approved, a scheme of external lighting to the vehicular access serving the development as shown on the approved plans including 0111 E Proposed Site shall have been implemented at the site having previously been submitted to and approved in

writing by the Local Planning Authority. The scheme of lighting shall incorporate the recommendations provided in the submitted Nocturnal Bat Survey Report, Collington Winter, July 2022, Reference: CW20-397 RPT 001 Rev III. No additional lighting or changes to the approved scheme shall be installed or implemented without the details having previously been submitted to and approved in writing by the Local Planning Authority.

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

- 16. Prior to first occupation of any part of the development hereby approved, a car parking and access management plan for the alleyway, with the objective of optimising the availability of parking and the free flow of traffic, and including review procedures, shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented as part of the development and retained thereafter for the lifetime of the development.**

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

- 17. No development shall take place at the site, including any works of demolition, until details of a Construction Management Plan have been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be fully adhered to throughout the construction period and 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) measures to restrict the duration of noisy activities and locating them away from the periphery of the site**
- vii) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site**
- viii) maintenance of access for existing occupiers**
- ix) standard mitigation measures in relation to badgers in the wider area.**

Reason: A pre-commencement condition is needed in the interests of visual amenity, the amenities of neighbouring occupiers, ecology and maintaining reasonable access to adjacent properties pursuant to Policies KP1, KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the Natural Environment and Rural Communities Act (2006).

- 18. The roofs of the buildings and extension hereby approved shall not be used as balconies, roof gardens or similar amenity areas or for any other purpose unless express planning permission has previously been obtained. The roofs**

can however be used for the purposes of maintenance or to escape in an emergency.

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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

19. 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 Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

20. 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 and approved by the planning authority before any works start on site.

Reason: 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).

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.

10 Informatives:

1 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 & 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 to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

- 2 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).
- 3 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.
- 4 **Standard mitigation measures in relation to potential local badger activity:**
While it has been found that the site is unlikely to provide habitat and the development is unlikely to materially affect badgers, the following best practice recommendations in regard to roaming badgers and construction should be noted:
 - 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. Again, should a badger trap itself then formal ecological advice must be sought before work commences for the day.**

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.