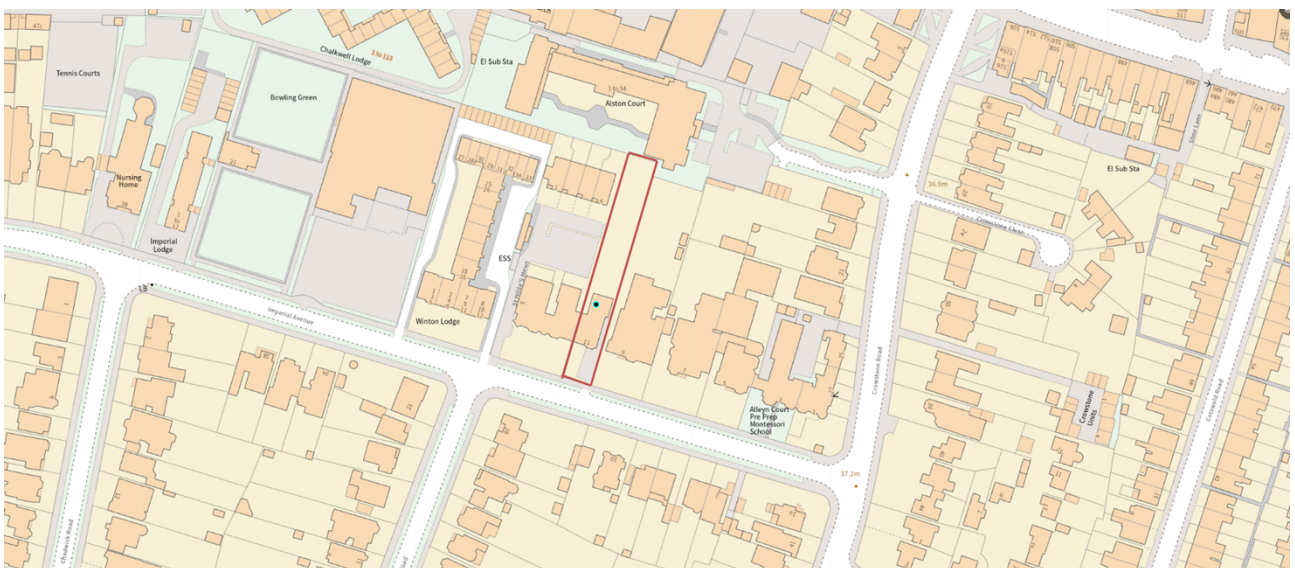


Reference:	22/01877/FUL	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Erect roof extensions and alter roof to existing building comprising of gable ends to front, rear and side, flat roof dormers to front and rear to form two additional self-contained flats at second floor level, balconies to front and rear elevations, bike store to rear, layout additional parking spaces to front and alterations to elevations	
Address:	11 Imperial Avenue, Westcliff-on-Sea, Essex	
Applicant:	Castelnau	
Agent:	Mr Ian Coward of Collins & Coward	
Consultation Expiry:	10.11.2022	
Expiry Date:	06.01.2023	
Case Officer:	Oliver Hart	
Plan Nos:	200 Rev02; 201 Rev01; 202 Rev03	
Supporting information:	Cover Letter	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is on the northern side of Imperial Avenue and is presently occupied by a large, two-storey building with a two-storey rear outrigger, used as 6 flats. To the rear of the site is a deep rear garden which is segregated into sections to enable private use by the existing residents. It is noted a central area of the garden is within the applicant's control and is shown as communal. The front garden area is partially landscaped with areas of soft and hard landscaping. 2no. car parking spaces are formally laid out to the site's frontage.
- 1.2 The building on this site is one of a number of larger buildings on this side of the road. The building at 13-15 Imperial Avenue is a large, flatted block which comprised the old St Hilda's School site. No.9 Imperial Avenue is a large, detached, two-storey building in use as a care home.
- 1.3 The site is not within Flood Zones 2 or 3 and is not subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought to erect a series of roof extensions and alterations to the existing roof scape to facilitate the provision of 2no. additional flats within the enlarged roof space. Specifically, the roof extensions relate to:
 - Erection of flat roofed 'box' dormers to the front and rear elevations measuring 3.3m deep, 3.5m wide and 2.9m high and 3.2m deep, 9m wide and 2.5m high respectively;
 - Enlargement of the existing front gable projection with incorporation of glazing and a Juliette balcony;
 - Extension of the existing main gabled roof to the east flank elevation;
 - Gabling of the existing hip roof to the north-east flank elevation of the outrigger;
 - Gabling of the existing hip roof to the rear elevation of the outrigger;
 - Incorporation of roof lights to the east flank and rear roof slopes
- 2.2 The proposed internal floorspaces of the flats are set out below:
 - Unit 07- 2bed/3-person – 63.2sqm in gross internal floor area
 - Unit 08- 2bed/3-person – 63sqm in gross internal floor area
- 2.3 The accompanying cover letter states the existing communal use of the section of rear garden will be retained. The proposal also involves enlargement of the existing parking area. Whilst submitted plans indicate an increase in the formal number of parking spaces from 2no. to 5no. spaces, information in the form of title deeds has been received from a third party to demonstrate that there are 4no. spaces at present at the site. Therefore, the net gain will be 1no. space and assessment of the application has been made on this basis.
- 2.4 A cycle store is also proposed to the communal section of the rear garden area although specific details of its external appearance have not been provided. Waste storage is also shown to the east flank elevation of the building. Specific details of its external appearance have also not been provided. It is noted the cycle and waste stores would

serve the existing and proposed flats.

3 Relevant Planning History

Flat 2, 11 Imperial Avenue

3.1 21/01118/FUL- Erect single storey side extension- Granted

4 Representation Summary

Call-in request

4.1 The application has been called in to Development Control Committee by Councillor Folkard.

Public Consultation

4.2 Eighty-Four (84) neighbouring properties were consulted and a site notice was displayed. Thirteen (13) representations from ten addresses have been received.

4.3 The objecting comments are summarised as follows:

- Loss of chimneys will be damaging to the character of the building
- Loss of planting to the front garden area is harmful
- Character of the area is changing
- Overdevelopment of the site
- Impact on utilities housed in the attic
- Amenity impacts on residents from construction activities
- Asbestos concerns
- Development purely for financial gain
- Fire safety concerns
- Issue with details provided in the cover letter in relation to parking (4 spaces not 2) and the rear garden, which is divided into 6 and is not communal
- Parking concerns and increased traffic movements
- Overlooking concerns
- Lease issues- access to the rear gardens to be removed as well as with construction activities

4.4 The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The points of objection raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case. Asbestos, impact on utilities and Fire Safety concerns are matters for other regulatory regimes including Building Control. Issues surrounding the lease and access arrangements are civil matters that fall outside the remit of planning control.

Building Control

4.5 Building Regulations cover electrical works and heating systems etc. Extensive alterations to existing electrical wiring and replacement heating systems are 'notifiable work' under the building regulations and they would be covered under competent person schemes.

Environmental Health

- 4.6 No objections subject to conditions regarding construction management and refuse and recycling.

Highways

- 4.7 No objections – Off street parking has been provided and is acceptable. Secure cycle parking has also been provided therefore no highway objections are raised.

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 and Urban Renaissance), CP8 (Dwelling Provision).
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Technical Housing Standards and Policy Transition Statement (2015)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.11 Electric Vehicle Charging Infrastructure for new development (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the site, the streetscene and wider area, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage, compliance with the Essex Coast RAMS SPD and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Paragraph 119 of the NPPF states: “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.” Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes. Paragraph 86 (f) of the NPPF states that planning should “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites”. Paragraph 120 (e) states that planning decisions should “support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.”
- 7.2 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 flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.3 The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would create an increase of two dwellings of small capacity which is a limited contribution to the housing supply of the city.
- 7.4 Situated within the built-up area, extensions and alterations to the building are also acceptable in principle. Overall, the principle of development is acceptable subject to the details of the proposal considered below.

Design and Impact on the Character of the Area

- 7.5 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.
- 7.6 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.

- 7.7 The character and scale of development along Imperial Avenue is typified by large, detached and semi-detached two and three-storey buildings of consistent height and with an assortment of roof extensions to their respective front and rear elevations (as typified by the series of front and rear gabled projections and flat roofed box dormers of significant scale to 13-15 Imperial Avenue). To this end, the proposal seeks to replicate the arrangement seen at the adjoining neighbour such that together, they would appear as a consistent frontage in the streetscene.
- 7.8 Whilst the proposal would materially increase the scale and bulk of the application building, on the basis of the details outlined above and noting the set-back of the application building from the public highway and the prevalence of similar forms of development in the streetscene, the roof extensions proposed are not considered to appear materially out of keeping with the scale and form of development along Imperial Avenue or be significantly harmful to the character of the application building or wider surrounding area.
- 7.9 Having specific regard to the large L-shaped dormer to rear, the scale is significant and the design functional however, in the specific circumstances of this case, it is considered to be reflective of neighbouring rear dormer development at the attached site and due regard has been had to its position contained within a tight well such that it would not be materially evident from the site's public vistas. The exterior materials have been altered during the course of the application from timber cladding to a render to be more in-keeping with the traditional nature of the application and no objections are raised on this basis.
- 7.10 The application proposes the removal of 3no. chimney stacks which are original features. Whilst regrettable, the building is not statutorily or locally listed, nor is it within a conservation area. Hence, protection of such features cannot be given increased weight in the overall balance and, in this instance, the impact on the character and appearance of the property is not considered to be significantly harmful.
- 7.11 The proposal would result in enlargement of the existing parking area, with 5no. parking spaces to be provided to the west of the site. This would result in the loss of an area of grass forward of the front elevation. This is a less positive aspect of the development however; regard is had to the retention of existing trees to the frontage of the site and the retention of other boundary hedging to the western boundary such that the visual amenity of the site would be retained to an acceptable level. There are limited opportunities for additional landscaping on this site, but conditions can require details of additional soft landscaping measures so sufficiently addressing that issue.
- 7.12 Overall, the proposed development is considered to be of an acceptable design which acceptably references the development adjoining the application property, providing continuation of the architectural features that characterise the wider block to which it is attached, including gabled projections and flat roofed 'box' dormers. The layout would remain largely unchanged. The proposed scale would respect that of other development in the area.
- 7.13 The proposal is therefore considered not to be significantly harmful to the character and appearance of the site, streetscene or wider surrounding area in which case it would be acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.14 Delivering high quality homes is a key objective of the NPPF and is reflected in policy DM8 of the Development Management Document. 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. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.
- 7.15 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 1: Space Standards and proposed unit sizes

	Area (m ²)	Bedroom 1	Bedroom 2	Storage area (m ²)
Standard for (one storey) 2-bed / 3 person	61	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	2
Proposed (one storey) 2-bed / 3 person; Unit 07	63	14.4m ² Wmin=2.75m	7.5m ² Wmin=2.5m	2.2
Proposed (one storey) 2-bed / 3 person; Unit 08	63.2	13.2m ² Wmin=3.1m	8.5m ² Wmin=2.5m	2.4

- 7.16 As noted in table 2, both of the proposed units would meet or exceed the NDSS. With regards to light and outlook, the position of the window serving the second bedroom serving proposed flat 08 is such that it has potential for overlooking of the adjacent development and therefore, a condition is recommended to require obscure glazing to this window. Noting the provision of a roof light above and the secondary nature of the bedroom, on balance and taking the development as a whole, it is not considered this arrangement would be significantly harmful. It is considered that all other habitable rooms would benefit from satisfactory levels of outlook and daylight.
- 7.17 In relation to the provision of amenity space Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."

- 7.18 Neither of the proposed units would be served by their own private amenity area. An area of some 200sqm is proposed to be retained for communal use. This would serve as the provision for two of the existing residential units as well as the two proposed units. Owing to the low-occupancy design of the existing and proposed flats, coupled with their location reasonably close to a range of amenities including Chalkwell Park and the Seafront, this proposed provision is considered to be sufficient to reasonably meet the amenity needs of the future occupiers and as part of an overall balanced assessment.
- 7.19 As the proposal would not result in new-built development (i.e. it is an extension to an existing building), compliance with building regulation M4(2) is not a policy requirement.
- 7.20 With regards to waste storage and collection, revised plans have been submitted to show waste storage (of a capacity to serve the whole development) to the east flank elevation of the development. Subject to a condition to finalise the location and for its external appearance to be agreed, no objections are raised on this basis.
- 7.21 Overall, taken in the round, and subject to the described conditions, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.22 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.
- 7.23 The nearest residential units in the vicinity are those directly beneath the proposed roof extensions, those within the attached building (to the west) at 13-15 Imperial Avenue and the care home building to the east (at Elkington House).
- 7.24 The proposed roof extensions would not project forward of neighbouring habitable rooms' front and rear windows such that there would be no significantly harmful amenity impacts on these openings in any relevant regard. In addition, the majority of the roof extensions would be situated to the western flank elevation. Therefore, only the 'L-shaped' rear dormer would have any material impact on the amenity of neighbouring ground and first floor flank windows at the attached flatted block (13-15 Imperial Avenue).
- 7.25 Regard is had in this instance to the retention of the dormer within the existing roof slope, with significant set up from the respective eaves line which would sufficiently mitigate any harmful impacts resulting from the increased scale and bulk of this feature with regards to loss of light, outlook or an overbearing impact to neighbouring residents.

- 7.26 An existing side bedroom window within the neighbouring first-floor flat (No 105) within the attached flatted block is noted, along with one other window serving an en-suite. These windows however were conditioned (condition 13 of planning permission 17/00530/AMDT) to be obscure glazed in the interests of the protection of the privacy of the existing first floor flats within the application building. On this basis, it is not considered that the proposed, side bedroom window within the dormer to the rear would give rise to an intrusive degree of over-looking between the neighbouring units.
- 7.27 With regards to Elkington House, a series of flank windows are noted at ground and first floors. These are all as obscure glazed, such that on this basis, it is not considered the proposed increase in the scale and bulk of the building would give rise to a loss of light or outlook that would be significantly harmful to the residential amenity of neighbouring residents. In addition, noting the retention of a separation in excess of 4m between the properties, it is not considered the proposal would give rise to a harmfully increased sense of enclosure or overbearing impact.
- 7.28 Whilst the proposed gabbling of the rear two storey projection may give rise to increased views of neighbouring rear gardens, the presence of two and three storey high buildings with clear glazed and openable rear windows that surround the site, is such that there is a degree of inter-overlooking of rear garden areas that exists at present and which, when considered objectively in planning terms, informs the levels of amenity generally enjoyed here. No objections are therefore raised on this basis.
- 7.29 Conditions to control the hours of construction and method of construction are recommended in order to avoid significant harm to the residential amenity of neighbours during the construction period. The Council's Environmental Health service has raised no objections on this basis. Concerns of sound insulation are also a matter for building control.
- 7.30 Overall, subject to the described conditions it is considered that the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.31 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."
- 7.32 Policy DM15 of the Development Management Document states: "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". The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport. The EVCI SPD stipulates that car parking spaces are fitted with charging infrastructure.

- 7.33 Assessed against parking standards, the minimum car parking requirements for flats is one space per unit and one cycle parking space per unit. The proposal would provide 5no. off-street car parking spaces in total, representing a net gain of 1no. over the existing situation, and cycle storage within the rear curtilage of the site to serve all flats (existing and proposed). 4no. of the existing car parking spaces would serve the 4no. existing units which are already served by the on-site provision, and the fifth would serve one of the 2no. new units.
- 7.34 Whilst the parking provision falls below the minimum policy requirement, the site benefits from being in a sustainable location with regard to public transport with good links in close proximity. On this basis and having regard to NPPF paragraph 111 quoted at paragraph 7.30 above and the low occupancy of the flats, it is not considered that this proposal will have a detrimental impact on parking conditions, highway safety or the local highway network. Highways officers have not objected to the scheme on this basis.
- 7.35 In line with the council's recently adopted EV charging schedule for new dwellings, a condition will also be attached requiring all resident parking spaces be fitted with EV charging points.
- 7.36 Overall, it is considered that there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The proposal is acceptable and policy compliant in the above regards.

Energy and Water Sustainability

- 7.37 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". The same policy requires all new development to provide "water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting".
- 7.38 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement or how it would achieve the required maximum water usage. However, it is considered that the requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the building and wider area.
- 7.39 This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Flooding and surface water drainage

- 7.40 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal would see an area of laid to lawn to the front hard surfaced. Subject to a condition requiring permeable hardstanding be incorporated to the proposed parking area, it would not significantly increase the runoff of surface water. It is expected that the development would be connected to the sewer system.
- 7.41 The development would be acceptable and policy compliant in these regards.

Ecology - Essex Coast RAMS

- 7.42 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast 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 Essex Coast RAMS SPD, which was adopted by the Council on 29 October 2020, 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.
- 7.43 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of two dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.44 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 net gain internal floor area of 126.3sqm, which may equate to a CIL charge of approximately £3225.5.

Equality and Diversity

- 7.45 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). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is concluded that subject to compliance with the suggested conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and it is considered that it would have an acceptable impact on the living conditions of future occupiers, the amenity of neighbouring occupiers, the character and appearance of the area, and highway safety, traffic and parking conditions in the area. Conditions can deal with energy and water sustainability and waste storage. The development offers suitable mitigation for its in-combination effects to protected ecology sites.
- 8.2 This proposal creates new housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, 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 such 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 NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the city which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the level of occupancy and number of units involved. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 **MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 **The development hereby permitted shall begin no 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 approved shall be carried out in accordance with the approved plans: 200 Rev02; 201 Rev01; 202 Rev03**

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 **All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and the advice contained in the Southend-on-Sea Design and

Townscape Guide (2009).

- 04 The development hereby approved shall not be occupied until and unless a hard landscaping scheme has first been carried out and implemented solely in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The hard landscaping scheme shall include details of permeable materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.**

Reason: In the interest of visual amenity in accordance with 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 National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 05 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented in line with details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall be implemented, completed and maintained thereafter in full accordance with the approved details.**

Reason: In the interest of visual amenity in accordance with 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 National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 06 Notwithstanding the information submitted with this application, prior to the first occupation of the development hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of secure and enclosed refuse and recycling storage for the approved development at the site. The approved refuse and recycling storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such for the lifetime of the development.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 07 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy 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, dirt, mud being carried onto the road and noise during construction**
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.**
- viii) details of the duration and location of any noisy activities.**

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 08 Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 09 Prior to the first occupation of the residential units hereby approved, no less than eight covered and secure cycle parking spaces shall be provided for the future occupiers of the new flats and made available for use on site in accordance with details which have been submitted to and approved by the Local Planning Authority. The cycle parking spaces shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.**

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15.

- 10 Prior to the first occupation of the residential units hereby approved, no less than five car parking spaces shall be provided and made available for use on site by occupiers/users/visitors of four of the existing flats (one space each), and one of the new 2 bed/3 person flats hereby approved shown on drawing no. 202 Rev03 (one space). The additional parking space shall be fitted with an active electric vehicle charging point prior to first occupation of the development hereby approved. The car parking spaces shall be retained for the benefit of the future users and occupiers and visitors to the approved development and the four existing flats for the lifetime of the development.**

Reason: To ensure the provision of adequate vehicle parking in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3 and Development Management Document (2015) Policies DM3, DM8 and DM15 and the Electric Vehicle Charging Infrastructure for new development SPD (2021)

- 11** Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

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 advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 12** The dwellings 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 (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied

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 advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 13** The rear dormer side windows (serving the bathroom, second bedroom and kitchen within flat 8) hereby approved, must be permanently obscure-glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and non-opening, unless the parts of the window which can be opened are more than 1.7metres above the finished floor level of the room in which the windows are installed and shall be retained as such in perpetuity.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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 which is 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.