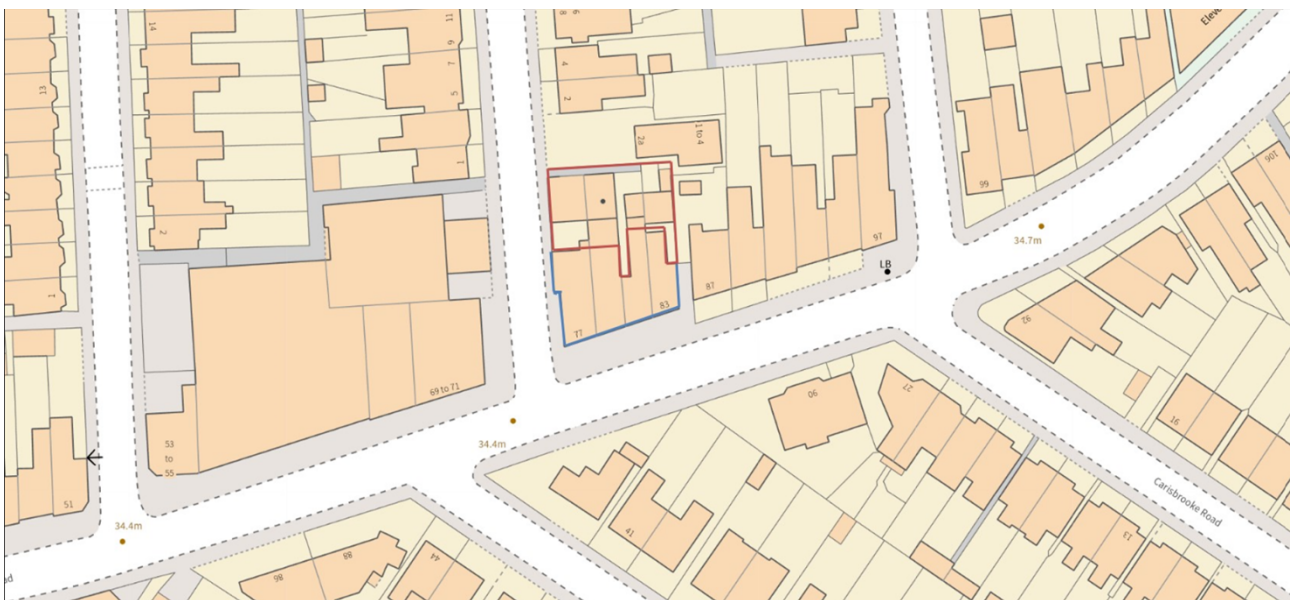


| | | |
|--------------------------------|--|--|
| Reference: | 23/00136/FUL | |
| Application Type: | Full Application | |
| Ward: | Westborough | |
| Proposal: | Demolish existing outbuildings, erect block of 2no. self-contained flats with associated parking, cycle store and new boundary treatment (part retrospective) | |
| Address: | Land at rear of 77 - 83 West Road, Westcliff-on-Sea | |
| Applicant: | Mr Halpern – Lands Partners LTD | |
| Agent: | Mr Stan Beanland of Beanland Associates Architects Ltd. | |
| Consultation Expiry: | 01.04.2023 | |
| Expiry Date: | 11.04.2023 | |
| Case Officer: | Oliver Hart | |
| Plan Nos: | 3002_50; 3002_052 REVB; 3002_100 REVB; 3002_101 REVB; 3002_102 REVB; 3002_103; 3002_200B; 3002_201; 3002_202 REVB; 3002_203 REVB, 3002_700, 3002_701, 3002_710, 3002_703 | |
| Supporting information: | Design and Access Statement | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site is to the east of Inverness Avenue. From the information submitted with the application the site historically contained a number of single storey buildings which were last used as workshops and storage (Use Class E). These have since been demolished.
- 1.2 To the south of the site are Nos. 77-83 West Road which constitute ground floor commercial units with residential flats above. To the north of the site are residential dwellings. The scale of the surrounding buildings is largely 2 – 2.5 storeys.
- 1.3 The application site is not within a conservation area and is not subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought to demolish the single storey commercial buildings on the site (albeit this demolition has already occurred) and to erect a two-storey building to be used as two flats, one flat per storey. The information submitted indicates that works have commenced on site demolishing the existing single storey commercial buildings so in that respect the application is partially retrospective in nature.
- 2.2 The proposed building would be removed by some 2.5m from the West Road frontage building. As amended during the course of the application, it would have a traditional pitched roof some 8.6m in maximum height (5.8m high to the eaves) with dual two-storey gabled bay projections to the front. It would measure some 11m in maximum width and 11m in maximum depth, inclusive of the two-storey projection to the front (some 2m deep) and would have a part-width, single-storey projection to the rear (some 2.4m deep).
- 2.3 The finishing materials are outlined in the submitted Design and Access Statement as a combination of brown face-brick and render to the exterior walls and red roof tiles.
- 2.4 The accommodation proposed constitutes:
 - At ground floor, 1x 2-bedroom, 3-person unit measuring some 76.5sqm.
 - At first floor, 1x 2-bedroom, 4-person unit measuring some 71sqm.
- 2.5 Access to both flats would be from Inverness Avenue. Each unit would have direct access to its own private amenity space to the rear, some 40sqm and 44sqm respectively. A tree in the centre of the site would be removed as part of the development, but the tree to the rear of the site is shown as being retained. Soft landscaping is shown to the rear of the site although specific details have not been provided at this stage. The Design and Access Statement states that more trees will be added to the site for landscaping purposes.
- 2.6 The ground floor flat is shown on the submitted plans as being wheelchair accessible and with a corresponding disabled parking space to the front to comply with the building regulations M4(3) requirements.
- 2.7 In total, two parking spaces are proposed to the front of the site (one for each unit) along with separate cycle, refuse and recycling stores. The Design and Access Statement states that's both parking spaces will have their own EV charging points.
- 2.8 There have been several previous applications at this site which have all been refused.

The most recent application (ref. 22/01005/FUL) was refused on design and amenity impact grounds and RAMS. The key changes to this application are:

- The building has been re-sited and has a new position to the north end of the site, and would no longer be attached to the building in West Road.
- A reduced scale with accommodation provided over 2 storeys, instead of 3 storeys as previously proposed.
- A new design approach which seeks to reflect the more traditional form of dwellings along Inverness Avenue comprising a two-storey building with a pitched roof and gabled projection to the front and fenestration which is more akin to the traditional sizing and pattern of that of the dwellings along Inverness Avenue.
- Reduction in the number of units proposed from 3No to 2No.
- A building regulations M4(3) unit is now proposed.
- New configuration and layout of units is proposed.
- A RAMS payment has been made.

3 Relevant Planning History

- 3.1 22/01005/FUL- Demolish existing outbuildings and erect detached three storey block comprising 3no. self- contained flats, layout amenity space, parking and cycle store and replace boundary fence (part retrospective) (Amended Proposal) - Refused.
- 3.2 21/02541/FUL- Demolish existing outbuildings and erect detached three storey block comprising 3no. self-contained flats, layout amenity space, parking and cycle store and replace boundary fence (part retrospective) – Refused.
- 3.3 21/02157/FUL - Demolish existing outbuildings and erect detached three storey block comprising 3no. self-contained flats with roof terrace to second floor, layout amenity space, parking and cycle store and replace boundary fence (part retrospective) - Refused.

77 - 83 West Road

- 3.4 23/00305/FUL- Change of use from commercial units (Class E) at ground floors of 77, 79, 81, and 83 West Road to 6no. self-contained flats (Class C3), layout bin stores and amenity space and alter elevations- Pending consideration.
- 3.5 22/01773/PA3COU- Change of use from commercial units (Class E) at ground floors of 77, 77B, 79, 81, 81B and 83 West Road to form 6no. self-contained flats (Class C3), layout bin stores and amenity space and alter elevations (Prior Approval) (amended proposal)- Refused.
- 3.6 22/01767/FUL- Alterations to front, side and rear elevations including changes to fenestration at ground floor level to 77-83 West Road- Refused.
- 3.7 22/01053/PA3COU- Change of use from commercial units (Class E) at ground floors of 77, 77B, 79, 81, 81B and 83 West Road to 6no. self-contained flats (Class C3), layout bin stores and amenity space and alter elevations (Prior Approval)- Refused.

4 Representation Summary

Call-in request

- 4.1 The application has been called in to Development Control Committee by Councillor Aston Line.

Public Consultation

4.2 Thirty-Seven (37) neighbouring properties were consulted, and a site notice was displayed. Representations from one (1) address have been received, summarised below. At the time of report preparation a further period of consultation is continuing following design revisions. Any further representations received will be summarised within the Supplementary Agenda.

4.3 The objecting comments are summarised as follows:

- Residential amenity concerns.
- Design concerns – site as a whole is an eyesore.
- Loss of light to neighbouring properties/garden areas.
- Overlooking concerns.
- Waste storage concerns – adding more flats will make this worse.
- Parking concerns.

Officer Comment: The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points 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.

Environmental Health

4.4 No objections subject to conditions requiring a noise impact assessment, land contamination condition, refuse and recycling information and a construction management statement.

Highways

4.5 No objections – 2No off street parking spaces have been provided for the dwellings. The large existing vehicle crossover will need to be amended to accommodate the 2 new vehicle parking spaces with the redundant crossover being returned to footway.

Officer Comment: An informative will be added as a reminder to the applicant.

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), CP1 (Employment Generating Development), 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), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).

5.6 Southend-on-Sea Design and Townscape Guide (2009)

- 5.7 Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Southend-on-Sea 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 Southend-on-Sea Electric Vehicle Charging Infrastructure for new development (2021)

6 Appraisal

Principle of Development

- 6.1 The National Planning Policy Framework encourages the effective use of land by re-using land that has been previously developed. Local and national policies discourage the loss of employment land unless there is sufficient justification.
- 6.2 Policies CP1 of the Core Strategy and DM11 of the Development Management Document seek to resist planning permission for proposals which would involve the loss of existing employment uses.
- 6.3 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.
- 6.4 Policy DM3 paragraph (2) of the Development Management Document requires that all development on land that constitutes backland or infill development will be resisted where the proposals will:
 - “(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
 - (ii) Conflict with the character and grain of the local area; or
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”
- 6.5 As noted there have been a series of recent planning applications submitted at the site for its re-development for residential purposes. Previously, the applicant outlined that the rear store and workshop buildings on this site were used in association with the main commercial premises fronting West Road which have since closed. The applicant had demonstrated previous attempts to market the site and the constraints in achieving success with this and had argued that the absence of parking, difficulty of access and the significant cost of remediation works as rendering the site unsuitable for redevelopment for business purposes.
- 6.6 The Local Planning Authority deemed that on balance and having regard to the content and case set out by the applicant, together with the locational circumstances and nature of the site, the loss of the employment uses was found to be acceptable in the particular

circumstances of the case, including because of the relative weight attached to the potential of creating a suitably high-quality scheme of additional residential units. In the absence of any changes in site circumstances or to local and national planning policy in the meantime, this conclusion remains unchanged.

- 6.7 This proposed development is considered to constitute an infill development site. In terms of the grain of the area, the site is in a built-up area, and there are existing buildings on the site, albeit only single storey in nature. As such, in principle, re-development of the site would not conflict with the character or grain of the local area. The impact on living conditions, residential amenity and consideration of the garden areas is considered in further detail below. Subject to a RAMS payment, given that the site is hardsurfaced currently, it is considered that the development would not result in the loss of ecological assets. As such, and in accordance with the findings of the other previous applications, there is no objection to the principle of the proposal in terms of Policy DM3.
- 6.8 While the proposal would not result in any dwellings suitable for families, the provision of additional housing, including a building regulations M4(3), wheelchair unit, carries appropriate weight, particularly in light of the application of the tilted balance, albeit the proposed amount of housing would not make a significant contribution towards the needs of the City.
- 6.9 The development is therefore acceptable in principle. The other material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 6.10 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.
- 6.11 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 contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 6.12 The position of the proposed building is such that it is considered to be viewed in the context of dwellings along Inverness Avenue. These neighbouring properties can be characterised as traditional, two storey semi-detached and terraced dwellings with predominantly pitched roofs, traditional fenestration and gabled bay projections to the front.
- 6.13 On this basis, no objections are raised to the two-storey scale of the proposed building which would suitably reflect the scale of the surrounding development. The resultant built form would not be an identical replica of the neighbouring development to the north along Inverness Avenue, but following amendments during the course of the application, satisfactorily picks up the key design cues, inclusive of the pitched roof form, traditional fenestration and gabled bay projections to the front such that the proposed building would not appear significantly out of keeping nor harmful to the character and appearance of the streetscene or wider surrounding area.
- 6.14 Moreover, separation has been retained to the public highway, to the nearest

neighbouring properties to the north along Inverness Avenue and to the rear of the outrigger belonging to 77 West Road such that the proposed dwelling would not appear visually dominant or cramped in its setting. This is aided by the well-articulated front elevation such that overall, the visual impact is considered acceptable.

- 6.15 External materials locally are characterised by render and face-brick. The proposed external materials (outlined at paragraph 2.3) would be reasonably consistent with this however, it is appropriate that full details of external materials are secured by condition.
- 6.16 As an amendment to the original submission, the proposed site layout allows for a reasonable amount of soft landscaping to be incorporated to the front and rear of the site. In principle, the provision of two off-street car parking spaces on the site frontage is acceptable subject to details of materials and boundary treatments which can be secured by condition. Full details of soft and hard landscaping can be secured through condition.
- 6.17 Overall, the proposed development is considered to be of an acceptable size and scale and broadly references the general design and appearance of neighbouring properties along Inverness Avenue. Subject to the described conditions regarding materials and hard and soft landscaping details, the proposal is considered to suitably maintain the character and appearance of the site, the streetscene and the wider surrounding area and is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 6.18 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 or neighbouring 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.
- 6.19 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 (m²) | Bedroom 1 | Bedroom 2 | Storage area (m²) |
|---|-----------------------------|------------------------------------|-----------------------------------|-------------------------------------|
| Standard for (one storey) 2-bed 3-person unit | 61 | 11.5sqm Wmin=2.75m | 7.5sqm Wmin=2.15m | 2 |
| Proposed (one storey) 2-bed 3-person unit | 76.5 | 13.6sqm Wmin=3.3m | 9.1sqm Wmin=3.1m | 2.1 |
| Standard for (one storey) 2-bed 4-person unit | 70 | 11.5m ² Wmin=2.75m | 11.5m ² Wmin=2.55m | 2 |
| Proposed (one storey) 2-bed 4-person units | 71 | 13.2sqm Wmin=3.3m | 12sqm Wmin=3.3m | 2.1 |

- 6.20 As noted in table 1, both of the proposed units would meet or exceed the NDSS. It is considered that all habitable rooms would benefit from satisfactory levels of outlook and daylight.
- 6.21 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."
- 6.22 Both the units would be provided with their own private amenity areas to the rear of the site some 40sqm and 44sqm respectively. The proposed amenity spaces are considered to be acceptable and would comply with the above-noted policy.
- 6.23 Policy DM8 of the Development management Document states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st October 2015 have been substituted by Building Regulation M4(2).
- 6.24 As a new development, both proposed units need to comply with this. This can only be achieved with the provision of a lift for the upper floor flat which has not been shown on submitted plans. To counterbalance this conflict with policy, the applicant has demonstrated the ground floor unit would be building regulations M4(3) compliant, which is a higher requirement and is otherwise known as wheelchair accessible design. This is inclusive of level thresholds, wider door openings and circulation space and provision of a disabled parking space. In reaching a balanced judgement, due regard has been had to both the modest scope of the scheme, for 2No units, as well as the provision of one unit achieving a higher accessibility rating than required such that in this instance and in the specific circumstances of this case and on balance, no objection is raised to this arrangement.
- 6.25 No contaminated land report has been submitted with the application. Given the previous use of the site as workshops and storage, it is possible that the site could be subject of contamination. A condition can be imposed. Environmental Health officers have raised no objections to the proposal subject to such a condition.
- 6.26 The proposed dwellings will be located opposite a vehicle maintenance garage with open maintenance bays. Consequently, there is potential for a harmful degree of noise and disturbance impact to future occupants from the use of power tools and engine noise. These sources present the potential for causing a noise nuisance which would be difficult to control post-development and therefore, a condition for a Noise Impact Assessment is required to demonstrate an ambient future living environment. Environmental Health officers have raised no objections to the proposal subject to such a condition.
- 6.27 Overall, and subject to the described conditions, it is considered that the proposed development would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is therefore acceptable and policy compliant in the above regards.

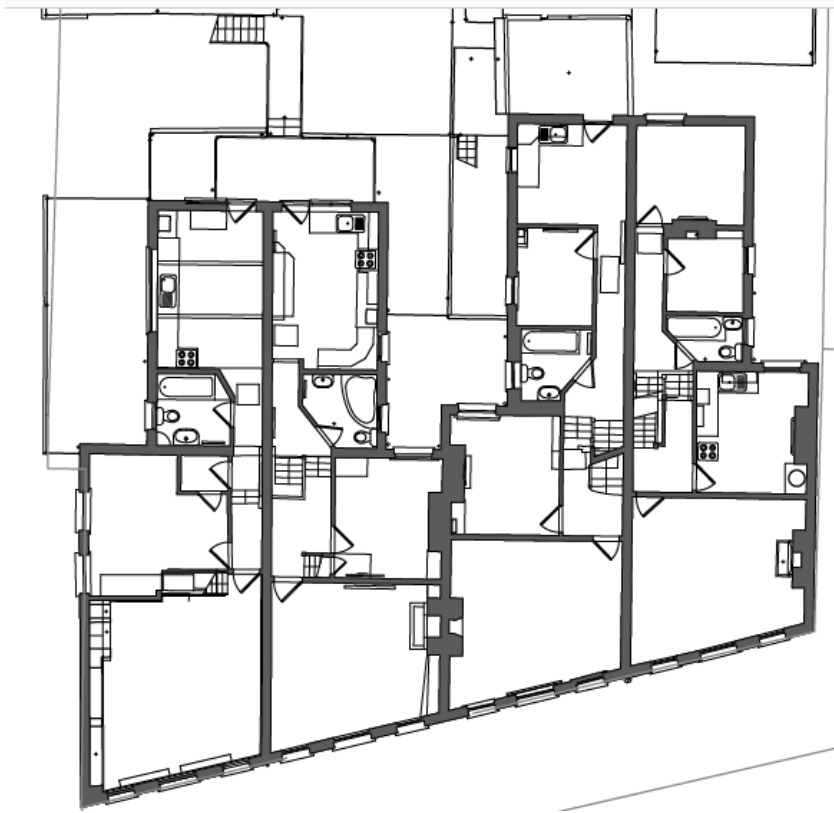
Impact on Residential Amenity

- 6.28 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.

- 6.29 The application has been submitted concurrently with an application to convert the ground floor commercial units at No's 77-83 West Road (immediately to the south) to 6No residential units (ref. 23/00305/FUL) which is pending determination. The nature of the applications is such that they are considered to be inextricably linked, and therefore, it is considered necessary that the associated impacts on each application and vice versa be duly considered.
- 6.30 Having regard to the proposed layout of the closest adjacent unit at No 77 West Road, no flank windows are shown to its northern elevation. The configuration of the openings to the bedroom and main living areas at the proposed development would be such to enable receipt of adequate light and outlook and no objections are raised on this basis.
- 6.31 Other ground floor rear windows belonging to the rears of the proposed units to the West Road frontage building are shown to be either obscure glazed and fixed shut or positioned behind proposed new boundary treatments so as to suitably preclude potential interlooking and undue noise and disturbance from the proposed residential units within the other proposed No 77-83 West Road frontage units.
- 6.32 There are existing first-floor flats at the West Road frontage building. The closest first-floor rear windows to the proposed building serve the kitchen areas of these units. Whilst the proximity of the proposed building to these rear windows would have an impact on the outlook and sense of enclosure to the kitchen areas, these are non-habitable rooms such that they can be afforded only limited protection in planning terms. Secondary openings are also present. Consequently, the presence of other openings is such that, on balance, the impact is not considered to be so harmful as to justify refusal of the application on this basis.

For illustrative purposes- the image below is the existing first floor plan of 77-83 West Road



- 6.33 The location and position of the proposed development relative to other neighbouring dwellings, including No.85 West Road to the east and the flats within No.2 Inverness Avenue to the north-east are such that it is not considered to result in any significant harm to the residential amenity of the adjoining and nearby occupiers in terms of dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure.
- 6.34 In terms of overlooking, the development's first-floor rear windows would be some 10m from the rear boundary of the site and the rear garden area serving No.87 West Road. Noting the existing character and relatively tight grain of the area, on balance, it is considered that the development's impact in respect to overlooking and the retention of privacy for the dwellings, and their gardens, to the east is within acceptable limits.
- 6.35 Subject to a condition requiring the first floor rear stairwell window be obscure glazed, it is considered that the development's impact in respect to overlooking and the retention of privacy for the flats within No.2 Inverness Avenue to the north-east is within acceptable limits.
- 6.36 Given the previous use of the site and the location of the site within a mainly residential area, it is considered that 2No residential units in this area would not result in unacceptable levels of noise and disturbance to adjoining and nearby residents. Noise, pollution and disturbance during construction could reasonably be controlled with conditions were the application otherwise found to be acceptable.
- 6.37 Overall, on balance and subject to conditions, the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 6.38 The NPPF states (paragraph 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."

- 6.39 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 Electric Vehicle Charging Infrastructure for new development SPD stipulates that car parking spaces are fitted with charging infrastructure.
- 6.40 Assessed against the parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit. The submitted plan demonstrates 1no. off-street car parking space per unit which would be accessed via an existing dropped kerb. Conditions can be imposed to satisfy the EVCI SPD requirements. Cycle parking in accordance with the policy requirements have also been demonstrated and this can be secured via condition. The Highways Team have raised no objection to the proposed development on parking, traffic or highway safety grounds but state that the large existing vehicle crossover will need to be amended to 2No separate crossovers to serve the separate parking areas with the redundant central section of crossover being returned to footway. An informative will be added as a reminder to the applicant.
- 6.41 Overall, 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.

Refuse and Recycling Storage

- 6.42 The submitted plans show a single waste storage enclosure to the front of the site which would not represent good design in terms of streetscene impact. Whilst the quantum of development does not require a bespoke provision of waste storage facilities, with the Waste Storage and Management Guidance stating residential development for two units are expected to utilise the Council’s kerbside sack collection scheme, subject to a condition requiring full details of an alternative refuse store position to the rear of the site and any screening for it, no objection would be raised to its inclusion in the proposal, although this would reduce the amount of amenity space provided for future occupiers.

Flooding and surface water drainage

- 6.43 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The existing site is completely hardsurfaced and this proposal would include soft landscaping, reducing the impermeable areas on site which is positive. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be required by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Energy and Water Sustainability

- 6.44 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.”

- 6.45 No information has been provided regarding proposed renewable energy to demonstrate how the amended proposal meets the 10% policy requirement or how it would achieve the required maximum water usage. 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.
- 6.46 This aspect of the amended proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Ecology - Essex Coast RAMS

- 6.47 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.
- 6.48 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of three dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 6.49 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 amended development includes a net gain internal floor area of 166sqm, which may equate to a CIL charge of approximately £4,533.08. 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.

7 Conclusion

- 7.1 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, as amended during the course of the application, is acceptable in principle and when assessed on its individual merits it is found to have an acceptable impact on the living conditions of future occupiers, the character and appearance of the area, and the highway safety, traffic and parking conditions in the area. On balance and subject to conditions, the proposed development would also be

acceptable in terms of its impact on the amenity of neighbouring occupiers. Conditions can satisfactorily deal with energy, water sustainability and drainage. The development offers suitable mitigation for its in-combination effects to protected ecology sites.

- 7.2 Additionally, 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 and provides a building regulations M4(3) wheelchair unit, 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.

8 Recommendation

8.1 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: 3002_50; 3002_052 REVB; 3002_100 REVB; 3002_101 REVB; 3002_102 REVB; 3002_103; 3002_200B; 3002_201; 3002_202 REVB; 3002_203 REVB, 3002_700, 3002_701, 3002_710, 3002_703**

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

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the development at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.**

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).

- 04 Within the first available planting season (October to March inclusive) following**

the first use of the development hereby approved, a soft landscaping scheme which includes details of net biodiversity gain, 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. It is expected that the landscaping scheme submitted for approval shall accord with the principles and nature of that shown on drawing No 3002_052 REVB.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

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 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 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).

- 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 and cycle storage for the approved development at the site. The approved refuse and recycling and cycle 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 and to ensure the provision of adequate waste and cycle storage 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. and
 - 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) and 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) and Policies DM1 and DM3 of the Development Management Document (2015).

- 09** The (2No) car parking spaces shown on approved plan 3002_052 REVB shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The parking spaces shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained for the parking of vehicles of the occupiers and visitors to the dwellings.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

- 10** 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 under the terms of this condition 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).

- 11 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).

- 12 Prior to the first use of the development hereby approved, drainage infrastructure for the development including the built form and the parking area subject of this permission, shall have been installed at the site in full accordance with details of surface water attenuation, based on Sustainable Drainage Systems principles, which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The drainage infrastructure shall be maintained as approved on site for the lifetime of the development thereafter.**

Reason: To ensure the approved development does not increase flood risk at the site or elsewhere in accordance with National Planning Policy Framework (2021) and Core Strategy (2007) Policies KP1 and KP2.

- 13 In the event that contamination is found at any time when carrying out the approved development, development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority.**

Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

Reason: In the interest of the residential amenity of future occupants of the scheme in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM14 of the Development Management Document (2015).

- 14** Prior to first use of the dwellings hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts of existing commercial and transport infrastructure on the living conditions of future occupiers of the dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on that noise impact assessment, which must include any mitigation measures needed for the proposal to meet the required noise standards, as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.

The mitigation measures recommended in the submitted report shall ensure that the internal ambient noise levels of the proposed dwellings shall not exceed the guideline values in British Standards BS8233:2014 Table 4 as follows:

07:00 to 23:00

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

23:00 to 07:00

- Sleeping/Night-time Bedroom 35 dB LAeq,8hour

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

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

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

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

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

- 15 The first-floor rear stairwell window in the eastern rear elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.**

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies 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 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.

- 3 The applicant is advised they will need to contact the Highways department to return a section of the existing extended dropped kerb to public highway.**