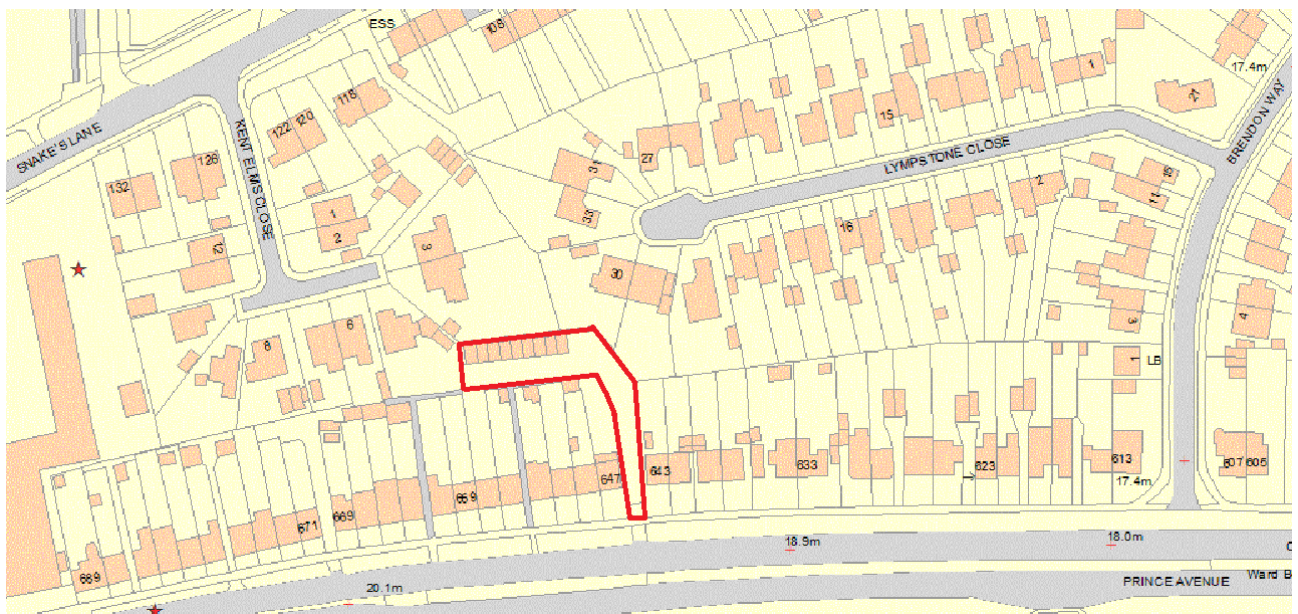


Reference:	23/00987/OUT	
Application Type:	Outline Application	
Ward:	St Laurence	
Proposal:	Demolish existing garage block and erect a pair of semi-detached dwellinghouses, layout parking to front and amenity space, bin and cycle storage to rear (Outline)	
Address:	Garages rear of 647 to 657 Prince Avenue, Westcliff-on-Sea	
Applicant:	Mr Andrew Timotheou	
Agent:	Mr Danny Knott of DK Building Designs	
Consultation Expiry:	6th July 2023	
Expiry Date:	7th August 2023	
Case Officer:	Hayley Thompson	
Plan Nos:	3997-06-01, 3997-06-02	
Supporting Documents:	Design and Access Statement, Indicative 3D plans	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site relates to an existing garage court behind dwellings at Nos 647 to 657 Prince Avenue (A127). Access to the garages is from Prince Avenue alongside No 647. Land levels slightly rise northwards. Historic mapping indicates that the garages were constructed between 1922 and 1939 at a similar time to the dwellings fronting the site in Prince Avenue. The site is within a generally residential area with some commercial uses to the west, at the junction where Prince Avenue meets Rayleigh Road to the north and Bridgewater Drive to the south around Kent Elms Corner.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 Outline permission, with all matters reserved, is sought to demolish the existing garage block and erect a pair of semi-detached chalet dwellinghouses.
- 2.2 Whilst scale, appearance, layout, access and landscaping are reserved matters, indicative plans have been submitted with the application, illustrating two, three bedroom dwellings measuring 85sqm and each with gardens. Each dwelling is indicated as having two parking spaces to the front and refuse and cycle stores. The proposal would be served by an existing point of access on Prince Avenue.

Relevant Planning History

- 2.3 22/00194/UNAU_B – Erection of building - Enforcement enquiry pending but application subsequently approved as in next entry below.
- 2.4 22/01880/FUL - Replace existing derelict garage with 1no. storage unit and erect 1no. storage unit (retrospective) – Granted

3 Representation Summary

Call-in

- 3.1 The application has been called in to Development Control Committee by Councillor Cowan.

Public Consultation

- 3.2 Thirteen (13no.) neighbouring properties were notified of the application by letter and a site notice was displayed. At the time of report preparation 7 letters of representation have been received from 5 households. Summary of objections:

- Concerns about privacy and overlooking
- Loss of light
- Concerns about noise, disturbance and traffic during construction
- Impact on residential amenity
- Concerns about highway safety
- Loss of off street parking for surrounding residents
- Breach of covenants
- Loss of biodiversity at the site
- Concerns about drainage
- Concerns about how utilities would serve the site
- Devaluation of properties

- Unable to view plans online [Officer comment: the plans are available in the Council's public access portal.]

[Officer Comment: These concerns are noted and all relevant planning considerations have been assessed within the appraisal section of the report, however, following an assessment of the planning application on its individual merits they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

Highways

- 3.3 No objection – off street parking has been provided for each dwelling which is policy compliant. Consideration has been given to the existing use which would generate more vehicular traffic than the proposed dwellings.

Environmental Health

- 3.4 The site has been used for garages and no information has been submitted regarding the actual use or history and a contamination assessment will be required. Due to the proximity of the proposed dwellings to other houses, any external lighting will need careful consideration. Conditions and informatives are recommended to address these matters.

Essex Fire and Rescue

- 3.5 No objection

Essex Police

- 3.6 No objection

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 4.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 4.5 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) and DM15 (Sustainable Transport Management).
- 4.6 Southend-on-Sea Design and Townscape Guide (2009)
- 4.7 Technical Housing Standards Policy Transition Statement (2015)
- 4.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 4.9 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

- 4.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 4.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5 Planning Considerations

- 5.1 The main considerations in relation to this outline application are the principle of the development, design and impact on the character of the area, living conditions for future occupiers, impact on the amenity of neighbouring properties, any traffic and transport issues, sustainability and CIL from the indicative information provided with this application.

6 Appraisal

Principle of Development

- 6.1 Paragraph 117 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.
- 6.1 The NPPF encourages effective use of land, in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 6.2 Given the nature and location of the proposal, the development constitutes backland development in an area currently comprising areas of hardstanding and a gravel access road with single storey garages. No objection in principle is raised to the broad principle of development of the site. The garages are presently used for storage and too small to be considered as usable parking spaces (minimum size required is 7m by 3m) and as such would not meet the adopted standards for garage parking. Although the wider area is subject to a degree of parking stress, whereby parking is not permitted on Prince Avenue, the use of the land as garaging, whether for lock up storage or car parking, does not represent the most efficient use of the land. No parking-based objection to the principle of their removal has been received from Highways.
- 6.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend, providing approximately 40% of the additional housing that is required to meet its needs. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 6.4 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.

- 6.5 For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise as the proposal would provide two family sized three bedroom dwellings.
- 6.6 Policy DM7 advises that the Council will look favourably upon the provision of family sized housing on smaller sites, particularly where surrounding building types provide an appropriate context for this type of development.
- 6.7 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.”
- 6.8 The surroundings are largely residential in character, comprising two-storey buildings to the north and south and chalet and bungalow dwellings to the east and west of the site. As such the principle of providing new dwellings need not be out of keeping within these surroundings. A development of two semi detached chalet style houses (i.e. single storey dwellings with first floor accommodation contained within the roofspace) can align reasonably with the prevailing urban grain conforming to the mainly residential setting of the locality.
- 6.9 Matters relating to living conditions, impact on neighbouring amenity and ecology in line with Policy DM3 above have been assessed in more detail in the relevant sections of the report and overall have not been found to conflict with this policy. This is only a preliminary assessment based on the indicative plans submitted, given that this application is outline in nature, with all matters reserved. Those material planning considerations would be determined in more depth at reserved matters stage, should outline permission be granted.
- 6.10 In light of the above, the provision of a residential development of two semi-detached, chalet style dwellings in this location is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 6.11 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.
- 6.12 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.

- 6.13 Matters of detailed design including appearance, landscaping, layout and the scale of the proposed development are reserved matters and as such, cannot be subject of a detailed assessment by the Local Planning Authority at this stage. However, the indicative plans illustrate how a pair of chalet designed dwellings could be accommodated on the site. No weight should be attached to such illustrative plans in the determination of the application, but it can reasonably be concluded that in terms of scale, the site is reasonably capable of accommodating two chalet style dwellings that would have a similar or lesser scale to existing surrounding dwellings, which are mainly a maximum of two-storey in nature, with some chalet and bungalow dwellings in the wider locality. Although dwellings fronting Prince Avenue are linear in their arrangement, dwellings in the roads northward of this part of Prince Avenue are less regularly sited, notably Kent Elms Close and Lympstone Close where their cul de sac arrangement places houses and their plots at angles to each other behind the application site. Within this varied layout context, in which there is no overriding regularity to the housing layout or urban grain, it is considered that laying out housing to face east/west along the application site's axis would not cause any significant harm to local character. There is considered to be additional space within the site to accommodate 2 parking spaces per dwelling and landscaping.
- 6.14 As such, subject to consideration of the detailed scale of the development which in turn will enable assessment of the development's height, width and length and to detailed consideration of layout, which will in turn enable assessment of the development's siting, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development, it is considered that two houses could reasonably be accommodated on the site in these respects. A condition specifying a maximum scale to the development is recommended in the interests of local character and also third party amenity as included in the relevant amenity section of this report, further below. The design and appearance of surrounding development is mixed. The proposal's appearance in terms of design detailing, fenestration and materials, plus landscaping, will be considered at reserved matters stage and/or at condition details stage. No objections are identified on this basis.
- 6.15 Overall, it is considered that site is capable of accommodating the development proposed in a manner that need not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. Subject to the described conditions it is considered that a development of the type proposed is reasonably capable of being acceptable and policy compliant in this respect.

Living conditions for future occupiers

Space Standards and Amenity Provision

- 6.16 No weight should be attached to illustrative plans in the determination of the application, but these indicate that it is possible to accommodate two dwellings on the site which would be capable of meeting the national housing standards. Assessment of these requirements will be undertaken at the reserved matters stage.
- 6.17 Each dwelling is capable of having a garden to its rear, indicatively shown here as 68sqm and 74sqm. Gardens of such a size would provide adequate living conditions for any future occupiers of the site, including for amenity, cycle parking and refuse and recycling storage as necessary. The potential alignment of the dwellings indicates reasonably that there need be no harmful interlocking, dominance, overbearing impact or loss of light and outlook between the new properties proposed. It is therefore considered that a development of the type proposed would be capable of being acceptable and policy compliant in this respect.

Accessible and Adaptable Dwellings

- 6.18 Supporting information in the Design and Access Statement submitted with the application confirms that both houses would meet M4(2) standards This can be secured by condition.
- 6.19 Subject to the described conditions it is considered that a development of the type proposed is reasonably capable of being acceptable and policy compliant in terms of the standard of accommodation for future occupiers.

Amenity Impacts

- 6.20 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.21 The application site is bounded by domestic rear gardens. The length of neighbouring rear gardens in Prince Avenue are at least 20m, in Kent Elm Close are 11.6m and Lymstone Close are 9m. As this is an outline application seeking only to establish the principle of the development there is not yet any information on the internal layouts of the new dwellings, although these are shown for indicative purposes only in a submitted drawing. These must be treated solely as an illustration. Having regard to the site's size, its disposition and relationship to neighbouring houses and their gardens it is considered that a two dwelling development could be designed on the site capable of ensuring there would be no significantly harmful overlooking, loss of privacy, dominance or harm to light and outlook for neighbouring residents. This would involve for example ensuring that the primary outlooks from upper floor habitable rooms were positioned so as to concentrate their outlook into the site itself rather than unreasonably towards/ into neighbours' gardens and dwellings. Subject to conditions controlling permitted development, obscure glazing and limiting the development scale, it is considered that the proposed development is reasonably capable of being designed such that it need not significantly harm neighbours' amenity in the above regards.
- 6.22 Given the existing use of the site for garaging, the quantum of development proposed and the residential nature of the existing area, it is considered that the two new dwellings and the two car parking spaces which would be required for each dwelling to meet adopted minimum parking standards would not significantly harm the amenity of neighbouring residents in terms of noise and disturbance or any other relevant regards.
- 6.23 It is therefore considered that subject to the described conditions a two dwelling development is reasonably capable of being accommodated on the application site in a manner that need not significantly harm the amenities of the site, neighbouring occupiers or wider area in any relevant regard in which case it would be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 6.24 The means of access for the development within the site will be considered in detail as a reserved matter should outline permission be granted. The point of access for the site will be from Prince Avenue. 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.”

- 6.25 Policy DM15 states that new dwellings of the type envisaged here should have a minimum of two off-street parking spaces each. It is considered that the site is reasonably capable of accommodating this together with a turning area and waste storage provision all in association with the new buildings, their amenity areas, landscaping and a satisfactory means of access.
- 6.26 The Council’s Highways officer raised no objection to the proposal noting that the existing use of the site as garages would/ could generate more vehicular traffic than the proposed two dwellings. No parking, highway safety or traffic network objections are raised.
- 6.27 It is considered that the proposal’s impact would be acceptable and policy compliant in the above regards.

Sustainability

- 6.28 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), such as those set out in Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.” Policy DM2 of the Development Management Document also states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.”
- 6.29 No information is submitted for 10% renewable energy provision for this outline proposal. This would accompany a future detailed reserved matters submission and/or can be secured by condition.
- 6.30 Policy DM2 (iv) of the Development Management Document 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, appliances and water recycling systems such as grey water and rainwater harvesting. No information is submitted for water efficiency provision for this outline proposal. This would accompany a future detailed reserved matters submission and/or can be secured by condition.
- 6.31 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. No information is submitted for drainage provision for this outline proposal. This would accompany a future detailed reserved matters submission and/or can be secured by condition.
- 6.32 Given the current use of the site as garages, contamination may be present. Subject to conditions requiring pre-development assessment, remediation and verification reporting, the proposal is considered to be acceptable and policy compliant in this respect.

Ecology

- 6.33 The NPPF states that “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
- 6.34 Planning Practice Guidance refers to Natural England’s standing advice for protected species. The Standing Advice requires that impacts are identified and mitigated where possible and that compensation measures are used to offset any remaining impacts.
- 6.35 The site is not within the vicinity of any protected trees. No details have been submitted to assess whether the existing garages are a potential site for roosting bats and therefore it is recommended that appropriate assessment, risk reduction measurements and scope for any mitigation are secured by condition.

Recreational disturbance Avoidance Mitigation Strategy (RAMS).

- 6.36 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which is proposed to be adopted by Full Council on 29th October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 6.37 This payment has been made and the proposal is considered to be acceptable and policy compliant in this regard.

CIL

- 6.38 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material ‘local finance consideration’ in planning decisions. As this is an outline application the CIL amount payable will be calculated on submission of a reserved matters application(s) at which point the floorspace figures will be confirmed.

Equality and Diversity Issues

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

Conclusion

- 6.40 This proposal creates new housing on a brownfield garage site. Therefore, if any harm were identified it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole.
- 6.41 Having taken into consideration all material considerations and having regard to the neighbour representations received, it is found that the proposed development, subject to appropriate conditions, is acceptable and would be in accordance with the Development Plan. The quantum of development sought could be reasonably achieved on site in a manner and with the access arrangements proposed such that it need not cause any significant harm to local character, neighbours' amenity, future occupiers' living conditions, or highway related matters. The outline application is therefore recommended for approval, subject to conditions.

7 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 Details of the access, appearance, layout, scale and landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.**

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

- 02 The development hereby permitted shall be carried out in accordance with the following approved plan: 3997-06-01.**

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

- 03 Except for demolition and site preparation works, no development above ground level shall be undertaken until and unless full product details of the materials to be used on all of the external elevations of the development hereby approved, including walls, roof including any dormers, ridge tiles, fascia and soffits, windows and doors including porch canopies, any garage doors, balconies and balustrades, ramps, hardstandings and boundaries have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out fully in accordance with the approved details before it is first occupied.**

Reason: In the interests of visual amenity and to ensure that the appearance of the development 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) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

04 The landscaping details submitted with any Reserved Matters application pursuant to this outline planning permission shall include, but not be limited to:-

- i. Full landscaping details (size, number, species together with a planting specification and management plan)**
- ii. Details of means of enclosure of the site and within the site including any walls, gates or boundary fencing;**
- iii. Details of hard surfacing including any ramps to the front and rear elevations, and details of exterior lighting;**
- iv. Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.**
- v. Details of measures to enhance biodiversity within the site.**

Hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development hereby approved. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to 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).

05 Except for demolition and site clearance no development above ground level shall be undertaken unless and until full details of refuse, recycling and covered and secure cycle storage to be provided for each dwelling at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out and completed in accordance with the approved details before it is first occupied and the approved facilities shall be made available prior to first occupation and shall be retained as such for the lifetime of the development.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM1 and DM15 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

06 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied, where feasible, using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development hereby approved. This provision shall be made for the lifetime of the

development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM2 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 07** Prior to the first occupation of the development hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented and retained as such in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 08** A minimum of two parking spaces to serve the two residential dwellings hereby approved, and one active electric vehicle charging point per dwelling shall be provided and made available for use within the site prior to the first occupation of any part of the residential development hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwellings and their visitors and for no other purpose.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets the requirements of the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and advice within the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 09** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. noise mitigation measures to be used at the site;

Reason: This pre commencement condition is required to protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM15.

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

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM8 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 11** Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or Public Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 12** Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. 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. 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. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

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

- 13** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, AA, B, C, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to

safeguard the character of the area, in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 14 No development shall commence, unless and until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority.

The results of the site investigation shall be made available to the Local Planning Authority before any construction begins. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted and approved 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: This pre-commencement condition is needed to ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM14 of the Southend-on-Sea Development Management Document (2015).

- 15 No development shall commence until and unless bat surveys of the existing garages have been undertaken to determine whether bats are present within the existing buildings. The results of the survey and any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. If bats are found to be present, no demolition work shall take place until and unless an acceptable mitigation scheme has been approved in writing by the Local Planning Authority. The development shall commence and proceed only in accordance with the approved mitigation scheme(s).

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

- 16 The development hereby otherwise approved shall not exceed a single storey with first floor accommodation contained within the roofspace.**

Reason: In the interests of neighbour amenity and visual amenity and to ensure that the appearance of the development 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) 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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 proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal \(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy\)](http://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 In the assessment and determination of this application the indicative dwellings layout has been treated as for illustrative purposes only.**