

Reference:	23/00976/FUL	
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	Erect eight dwellinghouses with associated amenity space, parking, cycle and bin stores	
Address:	Land Rear Of 2 Smallholdings, Eastwoodbury Lane, Southend-on-Sea, Essex	
Applicant:	Mr Oliver Hall of Eastway Homes	
Agent:	Mr Dwight Breley of Breley Design Ltd.	
Consultation Expiry:	06.12.2023	
Expiry Date:	15.12.2023	
Case Officer:	Oliver Hart	
Plan Nos:	1542-01 Rev B; 1540-02 Rev J; 1540-07 Rev C; 1540-07 Rev D; 1540-07 Rev E; 1540-05 Rev D; 1540-06 Rev D; 1540-10; 1540-12; 1540-13; Construction Management Plan; Tree Protection Plan Rev 1	
Supporting information:	Design and Access Statement; Preliminary Ecological Appraisal Version 2.0 by MKA Ecology Ltd. (Dated 16/11/2023); Reptile Report Version 2.0 by MKA Ecology Ltd. (Dated 16/11/2023); Arboricultural Report Rev 1 by Andrew Day Arboricultural Consultancy (Dated 06/11/2023); Details of Materials Document; Construction Method Statement Rev A by Breley Design Ltd;	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site consists of a rectangular parcel of land to the south of Eastwoodbury Lane some 0.19ha in area which is currently undeveloped. Access to the site would be via an existing access point and private roadway running south from Eastwoodbury Lane which presently serves 9No dwellinghouses approved and presently under construction at land rear of 1 Smallholdings (ref. 21/02034/OUT & 22/01088/RES).
- 1.2 The land immediately to the south of the site is in use as a community allotment. To the north and north-east of the site are residential dwellings positioned along Eastwoodbury Lane, inclusive of the 9No dwellinghouses presently under construction at the adjacent development site. To the west is undeveloped land comprising a small area of woodland to its fringe.
- 1.3 The site is designated as Best and Most Versatile Agricultural Land (BMVAL) within the Core Strategy and Development Management Document. It also lies within the area covered by the London Southend Airport Joint Area Action Plan (JAAP) however, it holds no specific designation. The application site is not the subject of any other site-specific policy designations.

2 The Proposal

- 2.1 Planning permission is sought to erect 8No two storey dwellinghouses laid out as a single pair of semi-detached dwellinghouses and two short terraces in a linear arrangement around a central turning area.
- 2.2 The proposed dwellings would be crown roofed and finished externally in render and clay plain roof tiles (red), with a red brick plinth and soldier course shown above the windows. A flat roof canopy over the front door is also detailed. External materials details have been provided with the application and are detailed as follows:
 - K Rend Waterproof render in Limestone White to exterior walls;
 - Sahtas Dark Farmhouse brick plinth;
 - Red clay roof tiles [Ste Foy Rouge Nuance] by Edillians;
 - White UPVC windows and patio doors;
 - Black front doors;
 - White fascias and soffits; and
 - Black guttering
- 2.3 These material details are noted as matching the approved details for the adjacent development site at the land rear of 1 Smallholdings.
- 2.4 The single pair of semi-detached properties and one of the short terraces would comprise 3-bed units with accommodation in the roof, provided by way of flat roofed dormers to the front roof slope some 1.6m wide, 1.8m wide and 2.2m deep.
- 2.5 The proposed dwellings each measure a maximum of 5m in width, 8.6m in depth and a maximum height of 8.2m. The short-terraced properties without roof accommodation would constitute two-bed, three-person units measuring some 72sqm. The single semi-detached pair and short-terraced properties with roof accommodation would constitute three-bedroom, four-person units measuring some 94sqm.
- 2.6 The submitted plans indicate that each dwelling would be provided with 2 parking spaces in a tandem arrangement. Electric vehicle charging points are shown.

- 2.7 An indicative landscaping plan has also been provided showing the planting of 21No trees and additional shrub planting on the boundaries of the site and within the proposed front gardens.
- 2.8 Submitted Tree survey plans show the following tree removals;
- T6 [an Apple Tree]
 - G2, G3 and G4 [Leyland cypress, Common Oak, Hawthorn, Prunus, Elder]
 - G1 [Leyland cypress - partial removal where it extends onto the application site]

3 Relevant Planning History

- 3.1 There is no relevant planning history at the application site for the determination of this application.

4 Representation Summary

Public Consultation

- 4.1 Twenty-Seven (27No) neighbouring properties were consulted and a site notice was displayed. 5No letters of objection from 2No addresses have been received. Summary of comments:

- Overlooking concerns from neighbouring 1 Smallholdings site
[Officer Comment: The 1 Smallholdings site is unaffected by this application, has been granted permission which remains extant and is under construction]
- Wildlife concerns with regards 1 Smallholdings site
[Officer Comment: Wildlife concerns continue to be investigated in association with the 1 Smallholdings site which sits separately from this application]
- Traffic, congestion and parking concerns from additional housing.

[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

- 4.2 No objections subject to conditions regarding construction management, refuse and recycling and unknown land contamination.

Highways

- 4.3 No objections. Policy compliant off street parking has been provided for each dwelling. The dwellings are accessed via a private road. It is not considered that the proposal will have a detrimental impact on the local highway network. The Construction Method Statement is acceptable. Tracking data for waste vehicles is required.

Parks

- 4.4 No objections subject to carrying out of the five recommendations contained within the Ecology Survey.

Tree Officer

- 4.5 No objections to the tree removal or tree protection measures proposed.

5 Procedural matters

5.1 The application has been called in to Development Control Committee by Councillor Lydia Hyde.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (PPG) (2023)

6.3 National Design Guide (NDG) (2023)

6.4 Technical Housing Standards – Nationally Described Space Standards (2015)

6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP5 (Minerals and Soils Resources) and CP8 (Dwelling Provision).

6.6 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).

6.7 London Southend Airport Joint Area Action Plan (2014)

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

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

6.10 Waste Storage, Collection and Management Guide for New Developments (2019)

6.11 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

6.12 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

6.13 Technical Housing Standards Policy Transition Statement (2015)

7 Planning Considerations

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

8 Appraisal

Principle of Development

Provision of housing and loss of Best and Most Versatile Agricultural Land (BMVAL)

8.1 Paragraph 119 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and*

improving the environment and ensuring safe and healthy living conditions.'

- 8.2 Paragraph 121 of the NPPF states '*Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them.'*
- 8.3 Policy KP2 of the Core Strategy states that all new developments should '*...make the best use of previously developed land, ensuring that sites and buildings are put to best use...respect, conserve and enhance and where necessary adequately mitigate effects on the nature and historic environment...do not place a damaging burden on existing infrastructure...promote improved and sustainable modes of travel...secure improvements to the urban environment through quality design...respect the character and scale of the existing neighbourhood where appropriate...'*
- 8.4 Policy CP8 of the Core Strategy states: '*Provision is made for 3,350 net additional dwellings between 2001 and 2011 and for 3,150 net additional dwellings between 2011 and 2021.'* However, this document is more than 15 years old, pre-dating the NPPF, and as such the LPA's policy related to the number of homes required to be delivered in the City is out-of-date. Accordingly, the Standard Method (December 2020) applies. This increases the annual housing need of Southend-on-Sea from 325 dwellings per annum to 1,181 dwellings per annum, representing a 263% increase and highlighting the pressing need for housing within the City. The Addendum to the South Essex Strategic Housing Market Assessment ("SESHMA") (May 2017) identified a similar level of housing need.
- 8.5 Policy DM3 of the Development Management Document states '*The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.'*
- 8.6 The Government's latest Housing Delivery Test ("HDT") Results (January 2022) show that Southend-on-Sea delivered 31% of its total housing requirement between 2018-2021, thereby triggering the presumption in favour of sustainable development under paragraph 11 of the NPPF. Southend-on-Sea's Five-Year Housing Land Supply ("5YHLS") figure shows that there is a deficit in housing land supply in Southend-on-Sea. The latest figure demonstrates 4.18 years' worth of housing land supply. The SESHMA identifies that Southend-on-Sea 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 and so there is a relatively greater need for such housing. Together, these documents demonstrate a pressing need for all types of housing delivery within the City.
- 8.7 The proposed development would provide additional housing within the City, including dwellings which could be utilised by small family groups which is a positive of the scheme and for which there is a significant identified need in the City. This is considered to carry significant weight in the assessment of the scheme.
- 8.8 In terms of the BMVAL designation, the key policy is CP5 of the Core Strategy which '*seeks to protect the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) from irreversible damage where this is consistent with the full range of sustainability considerations, including biodiversity; quality and character of the landscape; amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality.'*

- 8.9 Annex 2 of the NPPF defines BMVAL as Land in grades 1, 2 and 3a of the Agricultural Land Classification. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the BMVAL. Paragraph 175 and footnote 58 of the NPPF state that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 8.10 The proposal would result in new development on land that is designated as BMVAL and sequentially is less preferable than lower grades of agricultural land. Despite the conflict with policy, this issue is not capable of disengaging the presumption in favour of sustainable development.
- 8.11 The Design and Access statement submitted details that the neighbouring parcels of undeveloped land are all of modest size and under private ownership, representing a significant obstacle in mobilising the site for any future commercial agricultural activity. In addition, the modest size of the site itself, its position in a semi-urban locale and proximity to residential development to the immediate north and east are such that it is unlikely to hold any value in terms of agricultural potential.
- 8.12 This case is supported by the applicant with the submission of an appeal decision¹ (contained within the Design and Access Statement) for a site in Winterley, Cheshire where the Planning Inspector reasoned that due to the size of the land and its isolation from any non-residential surrounding land, the introduction of residential development would not materially impact on agriculture production. The size of the site in question was some 2.1ha, which is significantly larger in comparison to the application site's 0.19ha. The Planning Inspector afforded modest weight to the loss of BMVAL. This part of the submitted Winterley Decision is relevant to the determination of this application and should be given significant weight. Other matters weighed in the Winterley Decision, such as the provision of housing and affordable housing, the HDT and 5YHLS of Cheshire East Council, and the application of local policies of that Local Planning Authority are not directly relevant for the consideration of this application.
- 8.13 The relevant part of the Winterley Decision would suggest that, in the circumstances of this application site, due to the size of the application site and isolation from any non-residential use of land, the loss of BMVAL in this instance would not compromise agricultural activities in Southend-on-Sea. This is further highlighted by the fact that the site only makes up a small percentage of such land within the City limits, and that the majority of such land is already protected by a Green Belt designation (to the north-east of the City bordering Rochford District Council). In line with the Winterley Decision, modest or even limited weight should be given to this less positive aspect of the proposal.
- 8.14 It is considered that the proposal for 8No dwellings at the density proposed would constitute effective and efficient use of the land. The results of the HDT and 5YHLS position weigh significantly in favour of the proposed housing scheme which in this instance, given its scale, is considered to make a useful contribution towards the provision of housing for the area. The development is considered to satisfy national and local planning policy in these regards. The tilted balance in favour of sustainable development should be applied.

Backland development

- 8.15 The location of the proposed dwellings would render the proposal backland development. Policy DM3 is applicable which states: "All development on land that constitutes backland and

¹ PINS reference APP/R0660/W/20/3251104, date 1 March 2021

infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:

- 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.”

8.16 The surrounding area is mixed in character, comprising residential development to the north-west and east and undeveloped land to the west. Regard is had to the position of the application site in a broadly sustainable location for development and which would duly conform to the prevailing land use around it. As discussed in more detail in the relevant sections of the report, the proposal would comply with all the relevant criteria of Policy DM3.

8.17 On the basis of the information outlined above, it is considered in this instance and weighing the planning balance carefully, that the resultant harm caused by the loss of BMVAL is outweighed by the case for new residential development and the application of the presumption in favour of sustainable development. Subject to other detailed considerations outlined below, the principle of development is acceptable.

Design and Impact on the Character of the Area

8.18 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.

8.19 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 Council’s Design and Townscape Guide provide further details on how this can be achieved.

8.20 The application site is positioned on the fringe of the suburban area and would in effect form a small urban extension connected with the previously approved development under construction at 1 Smallholdings. The development will consequently introduce built form on presently undeveloped land and the impact on the open and spacious character of the area is a less positive aspect of the proposal.

8.21 Regard is had to the layout of the dwellings as a single pair of semi-detached dwellinghouses and two short terraces laid out in a linear arrangement around a central turning area. There is significant separation between the dwellings themselves and deep rear gardens are also part of the layout such that it is considered that spaciousness has been suitably incorporated into the scheme.

8.22 There is no overall order to the siting and/or arrangement of neighbouring properties in the adjoining roads, with properties along Eastwoodbury Lane and Eastwoodbury Crescent following a more traditional rectilinear pattern whilst those dwellings along Eastwoodbury Close resemble ‘backland’ development, owing to their position beyond the rears of dwellings fronting Eastwoodbury Crescent and siting around a central turning area. On this basis, it is

not considered that the proposal as a residential 'backland' development would appear significantly at odds with the grain of the area.

- 8.23 The position of the proposed dwellings to the rear of neighbouring development is such that there would be no clear public views. It is considered reasonable to argue that the prevailing character has been set by the approved development under construction at 1 Smallholdings; a mix of semi-detached and short terraced dwellinghouses between 2 to 2.5 storeys with a crown roof and finished externally in white render with a brick plinth and window header detail, with some comprising rooms in the roof using flat roofed front dormers.
- 8.24 The proposed development would replicate their form, design and exterior finish, with the material details submitted with this application and outlined within section 2 of the report aligning with those submitted and approved for the 1 Smallholdings site. Together, the two development sites would establish their own character and no objections are raised on this basis.
- 8.25 The application has been submitted with an Arboricultural Report and Tree Protection Plan. The proposal seeks to remove 1 No Apple Tree (T6) and three groups of trees to the edges of the site (G2, G3 and G4) comprising Leyland Cypress, Common Oak, Hawthorn, Prunus, Elder. It is also proposed to partially cut back to the boundary a group of trees (G1) comprising Leyland Cypress and other shrubs. These trees are not the subject of a TPO and have been categorised in the report as category C trees, which are 'low' category trees with low amenity value. The Arboricultural Report concludes that the loss of the trees will have limited impact on the public visual amenity of the area. The Council's Tree Officer raises no objection to the tree removal proposed for the reasoning provided.
- 8.26 All retained trees will require suitable tree protection and specialist methods of design and construction will need to be employed to minimise any impact on trees to be retained. Tree protection measures have been set out in the Arboricultural Report and are illustrated within the accompanying Tree Protection Plan. The Council's Tree Officer raises no objection to the tree protection measures proposed.
- 8.27 Subject to a condition requiring the development to be undertaken in accordance with the tree protection recommendations of the Arboricultural Report and Tree Protection Plan, the development is considered to have an acceptable impact on the trees within and next to the site and would not significantly harm the character and appearance of the site or surrounding area in this regard.
- 8.28 Specific landscaping details have not been provided with this application. However, the submitted block plan indicates the planting of 21 No additional trees as well as ornamental planting to the front gardens of the proposed dwellings. Whilst the number and type of trees that will be removed as part of the proposal is a less positive aspect of the development, the site layout plan shows the development is to be set within a landscaped setting following the extent of replacement tree planting proposed. As a result, it is not considered the proposal would significantly harm the character and appearance of the site or surrounding area in this regard. The exact number of trees on site, including those currently within the identified groups would be required to be submitted as part of the condition details.
- 8.29 Overall, and subject to conditions, the proposal is considered , acceptable and policy compliant in terms of its impact on character and appearance of the site, streetscene and wider surrounding area.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.30 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development

Management Document states that proposals should be resisted where they create a detrimental impact on the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms.

8.31 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.

Table 1: Minimum Space Standards

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted. A minimum ceiling height of 2.3m shall be provided for at least 75% of the Gross Internal Area.

Table 2: Proposed overall, bedroom and storage sizes.

Unit	Occupancy profile	Overall (sqm)	Bedroom 1 (sqm)	Bedroom 2 (sqm)	Bedroom 3 (sqm)	Storage (sqm)	Standards met Y/N
A1	3-bed, 4-person	94	15	10.6	10.3	2.8	Y
A2	3-bed, 4-person	94	15	10.6	10.3	2.8	Y
B1	3-bed, 4-person	94	15	10.6	10.3	2.8	Y
B2	3-bed, 4-person	94	15	10.6	10.3	2.8	Y
B3	3-bed, 4-person	94	15	10.6	10.3	2.8	Y
C1	2-bed, 3-person	72	13.6	10.6	N/A	2	Y
C2	2-bed, 3-person	72	13.6	10.6	N/A	2	Y
C3	2-bed, 3-person	72	13.6	10.6	N/A	2	Y

8.32 The proposal provides 3No x 2-bed, 3-person and 5No x 3-bed 4-person dwellinghouses. As demonstrated by Table 2 above, all dwellinghouses will exceed the national technical housing

standards which is a positive aspect of the design. All habitable rooms will be provided with windows to provide adequate light, ventilation and outlook. The development is acceptable and policy compliant in this respect.

- 8.33 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.”
- 8.34 The proposed dwellings would each be provided with a private garden area between 45 and 114sqm. The garden areas are of a usable size and shape and would provide adequate living conditions for any future occupiers in this respect.
- 8.35 Policy DM8 of the Development Management Document as amended by the Technical Housing Standards Policy Transition Statement states that developments should meet building regulation M4 (2) – ‘accessible and adaptable dwellings’ unless it can be clearly demonstrated that it is not viable and feasible to do so.
- 8.36 Limited details have been submitted in this respect. However, the applicant’s agent has confirmed that all of the dwellings are designed to be Building Regulation M4(2) compliant. Subject to a condition in this respect, the development is acceptable and policy compliant in this regard. A condition can be imposed to secure compliance with this requirement.
- 8.37 The plans do not include specific details of covered and secure cycle stores and enclosed bin stores within the rear gardens. Details and provision of cycle and waste storage can be secured by conditions.
- 8.38 There is no known source of contamination at the site. Environmental Health consider it is unlikely that the land is contaminated but recommend a condition to deal with a scenario that contamination were discovered during the construction phase. Such a condition is included.
- 8.39 Overall, and taken in the round, it is considered that the proposal would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. Subject to the described conditions the proposal is considered acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 8.40 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.
- 8.41 The nearest residential uses to the application site are those dwellings under construction at the adjacent development site to the rear of 1 Smallholdings. The other closest neighbouring properties are No’s 2 and 3 Smallholdings to the north in excess of 50m away such that it is not considered the proposal would have any detrimental impacts on those neighbours’ amenity in any relevant regards.
- 8.42 With regards the dwellings presently under construction, the layout of the development is such that no direct views of the proposed dwellinghouses would be possible from any

neighbouring habitable room windows such that there would be no impact upon overlooking or loss of privacy. Moreover, when considered in the context of the relationship between the two sites, having due regard to the layout and the resulting separations between the properties, it is not considered the proposal would give rise to an undue overbearing impact nor a harmful sense of enclosure or dominant impacts.

- 8.43 In terms of overlooking affecting private amenity areas, the arrangement of the proposed dwellings is such that there would remain a degree of overlooking of neighbouring rear gardens. Generally, when considering the site as a whole, this is not considered to be against the grain of what can reasonably be expected in a residential setting. The arrangement of neighbouring properties as two-storey terraces and semi-detached pairs is such that a degree of over-looking of rear gardens exists at present and is considered to form part of the reasonable character of the rear garden scene. In this instance, there would be a minimum distance to the nearest neighbouring rear garden within the 1 Smallholdings site of some 11m. On this basis, there is no objection to a similar arrangement at the proposed development.
- 8.44 A Construction Method Statement has been submitted with the application, confirming the working hours, the provision of site hoarding, designated areas for materials storage, measures to limit waste and maximise recycling along with mitigation measures to reduce noise and dust emissions and to limit traffic disturbance by avoiding deliveries in busy or congested hours. Details of monitoring have also been included. The statement is considered an acceptable basis for a condition which can effectively manage the impacts of the construction process on neighbours' amenity. The statement has been reviewed by the Council's Highways and Environmental Health and no objections have been raised. On this basis, a condition to require development is carried out in accordance with the Statement can be imposed.
- 8.45 Conditions for details of external lighting and to control the hours of construction are recommended in order to avoid significant harm to the residential amenity of neighbours during the construction period. Environmental Health raise no objections on this basis.
- 8.46 Given the relationship of the plots with neighbouring properties, alterations/extensions to the proposed dwellings may result in unacceptable living conditions of the future occupiers or impact on the neighbouring amenity. A condition to remove permitted development rights for classes A, AA, B, D, E and F would therefore be reasonable and necessary.
- 8.47 Overall and subject to the described conditions, the proposal is considered acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 8.48 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."
- 8.49 The proposed dwellings be accessed via an extension of the access road serving the development at 1 Smallholdings. The access road would be some 5.1m wide. Details of surfacing materials have not been provided at this stage so the requirement for such details is conditioned. Highways confirm that the design of the access is acceptable and have raised no objection.
- 8.50 Policy DM15 of the Development Management Document seeks a minimum of 2 car parking space per 2+ bedroom dwelling. It is also a requirement to provide a minimum of 1 cycle parking space per dwelling. The Electric Vehicle Charging Infrastructure SPD requires at least

one car parking space per dwelling to be fitted with active provision of charging infrastructure with any remaining spaces being provided with passive provision.

- 8.51 The proposal provides 2 parking spaces per dwelling in accordance with the minimum parking standards. The parking spaces will all be accessed via proposed crossovers off the new access road. A condition to secure the necessary charging infrastructure is recommended. Highways raise no objection to the proposal, commenting that the parking proposed is acceptable and concluding that the development would not harm the public highway network.
- 8.52 Specific cycle storage details have not been provided although a location within the rear gardens of the proposed dwellings is shown on the submitted plans. Whilst the location is acceptable, a condition will be imposed to require specific details to be submitted and approved. Highways have not objected to the scheme.
- 8.53 Overall, the proposed development is considered acceptable and policy compliant in the above regards subject to the described conditions.

Energy and Water Sustainability

- 8.54 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”.
- 8.55 Submitted plans detail the installation of solar panels as the means of renewable energy generation, which is acceptable in principle however, no information has been provided to demonstrate that the proposal would meet the 10% policy requirement. The requirement for renewable energy and restrictions on water usage can reasonably be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the buildings and wider area.
- 8.56 This aspect of the proposal is therefore considered to be acceptable and policy compliant in these regards, subject to conditions.

Waste Collection

- 8.57 It is expected that the proposed dwellinghouses would be served by the Council’s kerbside sack collection scheme. Access for waste and servicing vehicles has not been demonstrated however, it is considered this can be dealt with satisfactorily with a suitably worded condition to require a waste management plan. Maximum distances to carry the sacks appears to be capable of being in line with the relevant guidance. Subject to a condition, the proposal would be acceptable and policy compliant in the above regards.

Drainage

- 8.58 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, including any undue discharge of surface water on the highway.

8.59 Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to this, the development is acceptable and policy compliant in these regards.

Ecology And Essex Coast RAMS

8.60 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by ... protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...*'

8.61 A Preliminary Ecological Appraisal (PEA) was carried out for the applicant in August 2023 by MKA Ecology Ltd. In addition to this, reptile surveys had been completed by MKA Ecology Ltd and Hybrid Ecology Ltd.

8.62 It is concluded in the PEA that the development of the site will impact habitats of limited ecological value although a diverse hedgerow exists that has a range of native species (although Sycamore dominates), classified as a Habitat of Principal Importance and therefore should be retained throughout the process.

8.63 Slow worms have been present across the wider development site as confirmed through current and historical surveys. However, the population count as confirmed within the latest Reptile Survey was low. A badger sett is present but within an area of land that is to be retained post development. Recommendations for working at construction sites with nocturnal animals are made but the sustainability of the sett is not in question. Any vegetation clearance should be conducted outside of the bird breeding season.

8.64 The PEA recommends ecological enhancements which should include the provision of bee lawns (i.e. grass, plants and flowers specifically cultivated to encourage bees and other pollinators such as birds to visit) and bird boxes, including the provision of swift and bat boxes within each new building. Meadow creation and bird box location should be outlined by the development of a Landscape and Ecological management plan (LEMP) post planning permission. This can be secured by condition.

8.65 Following communication with the Council's Parks Team, the following recommendations were agreed :

1. *That no further assessment is made of Great Crested Newts as Amphibians were not recorded during reptile surveys and no ponds (Breeding habitat) were observed on maps within 500 metres of the site.*
2. *Given that Bats are likely to forage over the site but no suitable habitats for roosting are present that a recommendation is added to have bat boxes within each new build.*
3. *The population of reptiles (slow worms) is by definition and in accordance with the survey guidance a low population. However, given the history of the adjoining 1 Smallholdings site, a further reptile Mitigation Strategy is required including details of a translocation strategy.*
4. *A Landscape Ecological Management Plan (LEMP) is conditioned requiring soil samples to try and maximise the botanical value of any grassland areas.*

8.66 The reports and the consultant's recommendations have been reviewed by the Council's Parks Team and no objections have been raised subject to inclusion of a suitably worded condition requiring the above.

8.67 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 £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.

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

Community Infrastructure Levy (CIL)

- 8.69 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 686.7sqm, which may equate to a CIL charge of approximately £18,752.19. 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.

Equality and Diversity

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

Conclusion

- 8.71 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development is acceptable in principle and subject to conditions, is acceptable in terms of ecology, sustainability, highways and living conditions of future occupiers. The proposal would also be acceptable in terms of design and impact on the character and appearance of the site and wider surrounding area, and it would not result in any significant harm to residential amenity.
- 8.72 The development constitutes sustainable development, providing economic, social and environmental benefits. Any limited harm identified as a result of the proposal is considered to be clearly outweighed by the benefits of the proposal, including the provision of 8 additional dwellings. If any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it is necessary to demonstrate that in reaching a decision, an appropriate balancing exercise has been undertaken considering the benefits of the

proposal and any such harm. The report summarises that the site forms Best and Most Versatile Agricultural Land but also that this Council has a significant 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 useful contribution to the housing needs of this City which must be given increased weight in the planning balance. Subject to conditions, the application is therefore recommended for approval.

9 Recommendation

9.1 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: 1542-01 Rev B; 1540-02 Rev J; 1540-07 Rev C; 1540-07 Rev D; 1540-07 Rev E; 1540-05 Rev D; 1540-06 Rev D; 1540-10; 1540-12; 1540-13; Tree Protection Plan Rev 1; Construction Management Plan**

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

- 03 The development hereby permitted shall be finished solely in accordance with the material details contained within the Planning Materials Document, namely; K Rend Waterproof render in Limestone White to exterior walls; Sahtas Dark Farmhouse brick plinth; Red clay roof tiles [Ste Foy Rouge Nuance] by Edillians; White UPVC windows and patio doors; Black front doors White fascias and soffits and Black guttering, or in accordance with any other alternative details of materials that have first been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), 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 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 bin and cycle storage for the approved development at the site. The approved cycle storage and refuse and recycling bin storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such for the lifetime of the development.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), 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).

- 05 Construction shall take place solely in accordance with the details contained within the Construction Method Statement Rev A by Breley Design Ltd. or, in accordance with any other alternative details that have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: This condition is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 06 Demolition or construction works associated with this permission shall not take place outside the hours: 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays and at no time on Sundays or Bank and 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).

- 07 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and completed at the levels shown on the approved drawing(s) and shall not exceed the highest level of land or structure adjacent to the application site.

Reason: In the interests of the safety of aviation, the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2023), 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).

- 08 Notwithstanding the details shown on the plans hereby approved, no development shall take place, other than ground and site preparation works, unless and until a scheme of hard and soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority.

The submitted hard and soft landscaping schemes shall include full details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces, including any earthworks to be carried and all means of enclosing the site, including boundaries within the site. The scheme shall include the number of existing trees which are proposed to be removed and are over the relevant stem diameter as set out in the relevant British Standard to be considered as trees and demonstrate that the proposed planting scheme would achieve a ratio of 2 new trees for every 1 tree removed.

Prior to first occupation of the dwellings hereby approved, the approved hard landscaping scheme shall be implemented and completed in full accordance with the details approved pursuant to this condition. Within the first available planting season (October to March inclusive) following the first occupation of the development hereby approved, the approved soft landscaping scheme shall be implemented and completed in full accordance with the details approved under the provisions of this condition.

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 existing or 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 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, Policies DM1 and DM3 of the Development Management Document (2015) and the advice in the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall commence at the site unless it complies with the recommendations in the Preliminary Ecological Appraisal Version 2.0 by MKA Ecology Ltd. (Dated 16/11/2023), the Reptile Report Version 2.0 by MKA Ecology Ltd. (Dated 16/11/2023) and the additional points agreed between MKA Ecology Ltd. and the Council's Parks Team which are as follows:

1. Each new building shall be fitted with bat boxes;
2. No development shall commence unless and until a further reptile Mitigation Strategy which shall include details of a translocation strategy has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition and any development shall be carried out solely in accordance with the recommendations in the agreed strategy; and
3. The development shall not be first occupied unless and until a Landscape Ecological Management Plan (LEMP) requiring details of soil samples to aim to maximise the botanical value of any grassland areas have been submitted to and approved in writing by the Local Planning Authority pursuant to this condition and any recommendations in the agreed LEMP shall be carried out within the first available planting season (October to March inclusive) following the first occupation of the development. The development shall then be maintained in accordance with the approved LEMP.

Reason: This pre-commencement condition is required in the interest of biodiversity in accordance with National Planning Policy Framework (2023) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 Agreed tree removal works for the development hereby approved (including which trees will be removed) shall not take place between March and August and shall only be carried out in accordance with the recommendations contained in the Arboricultural Report Rev 1 by Andrew Day Arboricultural Consultancy (Dated 16/11/2023).

Reason: In the interest of biodiversity in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

11 No development shall take place unless and until the tree protection measures outlined in the Arboricultural Report Rev 1 and Tree Protection Plan Rev 1 by Andrew Day Arboricultural Consultancy (Dated 16/11/2023) have been implemented in full at the site. The tree protection measures shall be retained as installed throughout the

construction phase of the development and the development shall be carried out in accordance with the recommendations included in the approved Arboricultural Report.

Reason: To safeguard the character and appearance of the surrounding 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** The development hereby approved shall not be first occupied unless and until 16 on site car parking spaces (2no. for each dwelling) have been provided and made available for use at the site in full accordance with the details shown on approved drawing 1540-02 Rev J, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. At least one of the parking spaces for each approved residential unit, shall be fitted with an active electric vehicle charging point. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

- 13** No drainage infrastructure associated with this approved development shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and be maintained as such for the lifetime of the development.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

- 14** Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority. No dwelling in the development shall be occupied until and unless it has been implemented in accordance with the details approved under this condition. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

shall be installed in the development hereby approved and be retained for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), 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).

- 16** The development hereby approved shall be carried out in a manner to ensure that the dwellings fully comply with the Technical Housing Standards – Nationally Described Space Standards (2015) and with Building Regulation M4(2) ‘accessible and adaptable dwellings’ before they are brought into use and first occupied.

Reason: To ensure provision of high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM8 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 17** No external lighting shall be installed on the site subject of this permission unless it is in accordance with the details and specifications of a Lighting Strategy which has previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All lighting shall be retained on site in accordance with the approved scheme for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 18** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouses within Schedule 2, Part 1, Classes A, AA, B, D, E or F of that Order without the receipt of express planning permission.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 19** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no part of the development shall be occupied or brought into use until details a waste management and service plan including waste vehicle tracking data have been submitted to and agreed in writing by the Local Planning Authority. Waste management and servicing of the development shall only take place in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2

and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified development must stop and it must be reported in writing immediately to the Local Planning Authority under the terms of this condition. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved remediation scheme shall then be fully implemented at the site before any other works continue. Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, and submitted in writing to the Local Planning Authority for its approval under the terms of this condition before the development is brought into first use.

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: To ensure that if any contamination is found on the site, it is treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

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 the 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 No waste as part of the development shall be burnt on site.
- 4 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.
- 5 The applicant is advised to consider installation of Automatic Water Suppression Systems (AWSS) within the new dwellings.