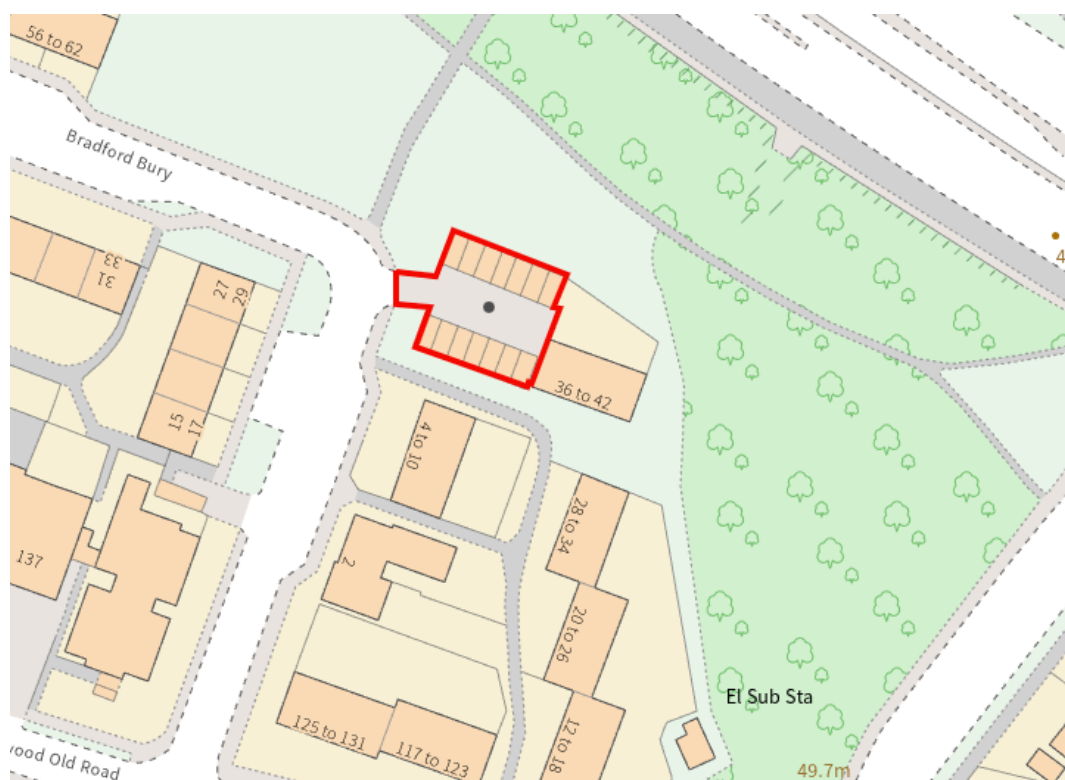


Reference:	24/00421/BC3	
Application Type:	Full Application	
Ward:	Belfairs	
Proposal:	Demolish existing garage block and erect two, two storey dwellinghouses and layout parking	
Address:	Garages at Bradford Bury, Leigh-on-Sea	
Applicant:	Mr Martin Berry of Southend-on-Sea City Council	
Agent:	Mrs Michelle Fishlock of Southend-on-Sea City Council	
Consultation Expiry:	11th April 2024	
Expiry Date:	28th June 2024	
Case Officer:	James Benn	
Plan Nos:	H16854-BG-D01 Rev A; TCTC-1884 (2)-PL-01; EX-00; EX-01; EX-02; EX-20; P-00 Rev D; P-01; P-10 Rev G; P-11 Rev H; P-12 Rev C; P-20 Rev B; P-21 Rev F; P-22 Rev F; P-30 Rev C.	
Additional information:	TCTC-18842 Tree schedule (BS5837); Design and Access Statement Rev - 11.03.2024	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site contains two garage blocks to the eastern side of Bradford Bury. The garages on this site are undersized for modern cars and are therefore underused. All 14 of the garages are vacant. The garage blocks are utilitarian in appearance do not make a positive contribution to the streetscene. The garages are owned by the Council and managed by South Essex Homes.
- 1.2 The site is part of a medium sized circa 1960s council/sheltered housing estate comprising a mixture of two storey houses and flats laid out in a landscape setting. The houses and flats are of their time with low pitched gabled roofs.
- 1.3 The surrounding area is predominantly residential in character. The site bounds Protected Green Space to the north. A number of mature trees close to and surrounding the site are of high visual amenity value. None of these trees are protected by Tree Protection Orders (TPOs). Further north is the A127 Arterial Road and the Progress Road Industrial Estate.
- 1.4 The site is not within a conservation area or subject to any site-specific planning policy designations. Land levels vary between plots due to local topography and slope down south to north.

2 The Proposal

- 2.1 This application was deferred from the 29 May 2024 Development Control Committee so further investigation could be carried out into the existing use of the garages.
- 2.2 Planning permission is sought to erect two, two storey semi-detached dwellinghouses and to layout parking. They would each be two bedroom, three-person dwellinghouses.
- 2.3 The proposed dwellings would, be a combined, total of some 9.8m deep and 10.1m wide. They would have dual-pitched, gabled roof forms that would be some 5.6m high to the eaves and 7.4m high to the ridge. Each house's floor area would be some 71.8sqm.
- 2.4 There would be two tandem car parking spaces per dwelling (four in total) to the western side of the dwellings finished in permeable paving. These would be accessed via the existing vehicular crossover from Bradford Bury. Two electrical vehicle charging points are proposed.
- 2.5 Private amenity spaces would be provided to the rear (north) which would be finished in paving slabs and turf. Access to the main part of the rear garden would be via steps due to site levels changes. The site levels to the rear garden would be raised locally with a patio to the back door to ensure a level threshold. Beyond the patio, the rest of the site topography would tie into the existing levels surrounding the site. 1.8m high boundary fencing would be installed to the perimeter of the rear gardens.
- 2.6 The proposed dwellings are designed to be Building Regulation M4(2) compliant in terms of accessibility and adaptability.
- 2.7 Two cycle parking spaces are proposed per dwelling which would be in one shed per dwelling in the rear gardens. A refuse collection point would be located to the south (front) of the dwellings.
- 2.8 The proposed external materials are:
 - Brickwork – Buff Brick London Weathered Yellow.

- Windows and coping – RAL 7035 (Light Grey).
- Plain clay tiles – Dark grey.
- Window sills – White reconstituted stone.
- Window surrounds – White render.
- Rainwater pipes – Aluminium in dark grey.
- Front doors – RAL 603 (Mint Turquoise).
- Aluminium shading canopy – RAL colour to match windows.
- Post boxes – RAL colour to match windows.

2.9 A birch tree to the south of the site, which is in poor condition, marked as 'T7' on the submitted documents, would be removed. This tree is Categorised as a 'U' category tree (meaning a tree which is in such a condition that it cannot be realistically retained as living trees for longer than 10 years) and is stated to be almost completely dead.

2.10 The proposed dwellings would form part of the Council's affordable social housing stock. The information submitted with the application states that the project aims to deliver 2x Passivhaus Plus Certified houses/PHI Low Energy Standard houses which would exemplify sustainable and energy-efficient housing solutions as a pioneering pilot.

2.11 During the course of the application, the applicant advised by email that all 14 garages had been vacated as of March 2024. The garages are owned by the Council and managed by South Essex Homes (SEH). The applicant has stated that the last remaining two tenants were served notice by SEH in February 2024 in order to facilitate Asbestos Surveys which were required, with possession secured in March 2024. The applicant has confirmed that there has been no interest in recent years from local residents to occupy garages on this site with their occupancy reducing since August 2012. Table 1 below has been submitted which is SEH's record of when each garage was vacated.

Table 1: South Essex Homes record of garages being vacated.

G1 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	N	VOID	19-Apr-2021	↙ ↗
G2 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	N	VOID	11-Mar-2024	↙ ↗
G3 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	N	VOID	20-Mar-2023	↙ ↗
G4 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	Y	VOID	25-Apr-2022	↙ ↗
G5 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	Y	VOID	22-Jul-2019	↙ ↗
G6 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	Y	VOID	20-Apr-2020	↙ ↗
G7 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	N	VOID	13-Jul-2020	↙ ↗
G8 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	Y	VOID	06-Aug-2012	↙ ↗
G9 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	N	VOID	07-Mar-2022	↙ ↗
G10 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	N	VOID	27-Nov-2017	↙ ↗
G11 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	Y	VOID	27-Apr-2020	↙ ↗

G12 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	N	VOID	04-Jul-2022	↶↷
G14 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	Y	VOID	11-Mar-2024	↶↷
G15 Rothwell Close, Leigh-On-Sea, Essex	GAR	OTHER	N	Y	VOID	02-Aug-2021	↶↷

2.12 Planning staff have queried the use of the garages by residents with the applicant. The applicant has advised that keys to all 14 garages have been returned. The applicant has advised there is another garage site nearby to the rear of No's 48-50 Rothwell Close which is still in some use.

3 Relevant Planning History

3.1 None.

4 Representation Summary

Public Consultation

4.1 Twenty (20) neighbouring properties were notified of the application by letter and a site notice was displayed. Two (2) letters of representation from one (1) address have been received. Summary of representations:

- Limiting non/existing information relating to the proposed drawings of the 2 separate dwellings.
- Due to the proposal's proximity to neighbouring blocks during summer months it will upset the ambience of the secluded area.
- The proposal will not be in-keeping with the area which is all sheltered housing (Class 1 & 2) for over 50-year-old residents.
- Very limited parking for residents in the area.
- The area is a habitual transit parking area for the factories along Progress Road.
- The garages are needed and used by residents.
- Drainage has always been a problem due to the council not clearing the drains.
- The lock-up area is usually flooded with rainwater.
- Language of 'embedded carbon', 're-use, recycle', and 'liveable cities' is developers' window-dressing, hot air, and slight of hand.
- Such buildings are being lost in the Southend Central area.
- There is a grass area less than 20m to the west of the lock-up complex that should be utilised but it cannot be as its classed as a green site area so no building permissions allowed.
- Instead of South Essex Homes pursuing this development, the funding should instead be used to upgrade existing flats.

[Officer comment: All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the circumstances of this case.]

Cllr representation

4.2 The application has been called into the Development Control Committee by Cllr Aylen who has also provided the following summarised representation:

- Seeks that Development Control Committee refuse the application.
- No vehicle parking. The drawings show parking for four vehicles. The area shown, vehicles are not permitted to park. If the plans are approved with the parking issues will arise for parking in Southend.
- Not in line with the street scene. Concerns about quality of design, details of materials and elevations given local context.
- Building height is out of proportion to surrounding properties.
- Adds parking congestion in surrounding area.
- No place to locate future rubbish requirements (wheelie bins).
- EV charging points are located on public land.
- Should reconsider how the site is used and that there are better sites for construction of properties such as these.
- Appears that the Council deliberately made the garages vacant.

[Officer comment: All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the circumstances of this case.]

Highways

- 4.3 No objections. Off-street tandem parking has been provided which is considered an acceptable arrangement for both dwellings. There is on street parking availability within the area. It is not considered that the proposal will have a detrimental impact on the local highway network.

Environmental Health

- 4.4 No objections subject to conditions relating to land contamination, a noise impact assessment from traffic, construction/demolition management and refuse and recycling and informatives relating to construction outside of normal hours, asbestos and overheating and noise protection.

Essex County Fire and Rescue Service

- 4.5 No objection.

Trees Officer

No objections, subject to the submission of details of a Tree Protection Plan or measures to be employed during the construction phase.

[Officer comment: A pre-commencement condition is recommend requiring the submission of an Arboricultural Impact Assessment including tree protection measures.]

Lead Local Flood Authority Officer

- 4.7 No objection, subject to a drainage condition.

5 Procedural matters

- 5.1 The application is brought to the Development Control Committee for determination as the applicant is the Council and neighbour representations have been received objecting to the proposal and as Cllr Aylen has called-in the application.

6 Planning Policy Summary

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

- 6.2 Planning Practice Guidance (PPG) (2024)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision)
- 6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM6 (The Seafront), DM8 (Residential Standards), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)
- 6.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 6.7 Southend-on-Sea Technical Housing Standards Policy Transition Statement (2015)
- 6.8 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.11 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)
- 6.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.13 Town and Country Planning Act 1990: Section 90A, Schedule 7A (Biodiversity Net Gain)

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 and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, trees and ecology and mitigation for impact on designated sites and CIL liability.

8 Appraisal

Principle of Development

- 8.1 Paragraph 123 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. This proposal is considered in the context of the Council’s policies relating to design and the National Planning Policy Framework.
- 8.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is an 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 HDT and 5YHLS carry some weight in favour of the principle of the development given the proposed creation of a net additional 2 units., Given the small increase in housing, the weight afforded to this is limited.

- 8.3 Policy KP2 of the Core Strategy states development must be achieved in ways which “make the best use of previously developed land, ensuring that sites and buildings are put to best use”.
- 8.4 Policy CP4 requires that new development “maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments” and that this should be achieved by “maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.
- 8.5 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.
- 8.6 Policy DM3 of the Development Management Document states that “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”.
- 8.7 Policy DM7 of the Development Management Document requires new housing development to meet the needs of the City in terms of the type and size of development proposed.

Infill/Backland Development

- 8.8 The location of the proposed dwellings would render it infill development. 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.”
- 8.9 The site is in a residential area which comprises mainly housing. There is therefore no objection in principle to new residential development in this location. The proposal seeks to provide sustainable and affordable housing for which there is an identified need in the city. On this basis, the acceptability of the proposal is dependent on the detail of how the development would relate physically to its surroundings and assessed against the above criteria. This is considered in more detail below.

Design and Impact on the Character of the Area

- 8.10 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places

in which to live and work and helps make development acceptable to communities.

- 8.11 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and 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.
- 8.12 The proposal seeks to erect a pair of semi-detached sustainable and affordable houses on the site of two garage blocks to the eastern side of Bradford Bury. The garages are a utilitarian design and do not make a positive contribution to local character. The proposed houses would introduce more active frontage to the pedestrian footpath to the south, improving local character and providing some natural surveillance which is to be welcomed.
- 8.13 The proposed houses would be located next to No's 36-42 Bradford Bury to the east with private amenity space to the north. The pedestrian access between Bradford Bury and No's 36-42 Bradford Bury would be retained. The proposal will not have a significant impact on the permeability of the area.
- 8.14 The proposed houses would be two-storey and would have low-pitched gabled roof forms to reflect the character of the surrounding development. Their roofs would be up to some 0.9m higher than surrounding buildings. This is considered acceptable as building heights in the surrounding area appear varied due to varying land levels. The west elevation which faces on to Bradford Bury would have two windows, one at ground floor and one at first floor and four raked mortar inset panels, two at ground floor and two at first floor, which add articulation and interest to the design without appearing significantly out of place in the wider context. Soft landscaping is proposed to the front of the dwellings which provides additional softening for the development and enhances the streetscene. Full details of landscaping and boundaries can be secured by condition.
- 8.15 The building lines in the surrounding area are varied. The siting of the dwellings is such that it would be broadly consistent with the building lines of the adjacent buildings, set back slightly behind No's 36-42 Bradford Bury. On this basis their siting is considered to be acceptable.
- 8.16 Details of materials have been submitted indicating that the proposed dwellings would be finished in the following materials:
- Brickwork – Buff Brick London Weathered Yellow.
 - Windows and coping – RAL 7035 (Light Grey).
 - Plain clay tiles – Dark grey.
 - Window sills – White reconstituted stone.
 - Window surrounds – White render.
 - Rainwater pipes – Aluminium in dark grey.
 - Front doors – RAL 603 (Mint Turquoise).
 - Aluminium shading canopy – RAL colour to match windows.
 - Post boxes – RAL colour to match windows.
- 8.17 The proposed design and finishing materials of the sustainable houses proposed would provide a modern-day and contemporary reinterpretation of the surrounding context and would not appear significantly out of keeping or unusual. The Council's design related policies would not require such a development to mirror exactly the design features and/ or materials in its surrounding context, rather they would seek that the development is suitably designed

such that it integrates satisfactorily into its surroundings. Full details of external materials can be secured by condition.

- 8.18 Subject to the described conditions, the proposal is compliant with parts (ii) and (iv) of Policy DM3 as it would not conflict with the character and grain of the local area nor would it result in the loss of local ecological assets including wildlife habitats and significant or protected trees.
- 8.19 Subject to the described conditions, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore acceptable and policy compliant in the above regards.

Amenity Impacts

- 8.20 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.
- 8.21 The site bounds No's 36-42 Bradford Bury which is a flatted building to the east. The proposed dwellings would be set some 3.2m from the side elevation of No's 36-42 and would project some 4.7m beyond No's 36-42 rear wall. They would not project beyond the front elevation of No's 36-42. Due to the 3.2m separation distance, the proposal would not significantly harm the amenity of the neighbouring occupiers at No's 36-42 having regard to loss of light, loss of outlook, undue sense of enclosure, dominance or overbearing impacts.
- 8.22 A condition is recommended for the first floor window in the eastern side elevation to be obscure glazed with limited openings to prevent any significantly harmful overlooking and loss of privacy to the neighbouring occupiers at No's 36-42. The first floor windows proposed in the rear elevation looking towards the proposed rear gardens and No's 36-42 communal rear garden would be at an oblique angle to prevent any significantly harmful overlooking or loss of privacy. An existing boundary fence some 1.8m high would prevent any significantly harmful overlooking and loss of privacy from the ground floor openings in the side and rear elevations. In the round, it is not considered that the proposal would significantly harm the amenity of the neighbouring occupiers at No's 36-42 in any relevant regards.
- 8.23 The front elevation of the proposed dwellings would be some 10.1m from the side elevation and side boundary of No's 4-10 Bradford Bury, a flatted building to the south. The side elevation of No's 4-10 Bradford Bury contains no openings and the rear garden is communal and it is noted that the proposed dwellings are set back further than No's 36-42. As such, by reason of the separation distance and these factors, the proposal would not significantly harm the amenity of the neighbouring occupiers at No's 4-10 in any relevant regards.
- 8.24 The ground and first floor windows proposed in the western side elevation would look out into the street which is already open to public views.
- 8.25 It is not considered that the new residential occupancy in a residential area would give rise to significantly harmful noise and disturbance impacts to neighbouring occupiers.
- 8.26 All other dwellings are sufficiently removed from the proposal to prevent any significant harm in any relevant amenity regards.

- 8.27 Subject to the described condition, the proposal is compliant with parts (i) and (iii) of Policy DM3 as it would not determinately impact the amenity of the existing neighbours, nor would it result in an unusable garden space for existing neighbours.
- 8.28 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any relevant regards. The proposal is therefore acceptable and policy compliant in terms of its amenity impacts.

Standard of Accommodation

- 8.29 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 upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 8.30 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. The required size for the type of units proposed and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

Table 1: Space Standards and Proposed Dimensions

	Area (m²)	Bedroom 1	Bedroom 2	Storage area (m²)
Standard for 2-storey 2-bed, 3-persons	70	11.5m ² Wmin=2.75m	7.5m ² Wmin=2.15m	2
Proposed 2-storey 2-bed, 3-person dwellinghouses	71.8	12m² Wmin=3.25m	9m² Wmin=3.25m	3

- 8.31 Table 1 demonstrates that the units would both exceed the minimum space standards in terms of floorspace, bedroom sizes and storage areas. All habitable rooms receive adequate daylight and sunlight and have adequate outlook.
- 8.32 All new dwellings are required to meet Building Regulations M4(2) to ensure that they are accessible and adaptable for all. The submitted documents state the proposal is designed to be compliant with Building Regulation M4(2). This can be secured by condition. There would be step-free access to part of the rear garden (the patio) which is considered acceptable with steps to the remainder of the garden.
- 8.33 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The private rear amenity spaces would be at least 39.3sqm per dwelling and rectangular shaped such that they are considered usable and are therefore acceptable. One of the dwellings would also have a side garden area.
- 8.34 The A127 Arterial Road, some 40m north of the site, is heavily trafficked. The Council's Environmental Health Officer has recommended a Noise Impact Assessment (NIA) is submitted to ensure acceptable noise levels. A condition requiring this is recommended on this basis.
- 8.35 Subject to the described conditions, the proposal is compliant with parts (i) and (iii) of Policy

DM3 as it would provide acceptable living conditions for future occupiers.

- 8.36 Subject to the described conditions, the proposal would result in acceptable living conditions for future occupiers. For the reasons outlined above, the proposal is acceptable and compliant with the above noted policies and guidance.

Traffic and Transportation Issues

- 8.37 Paragraph 115 of the NPPF states 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.”
- 8.38 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 8.39 Policy DM15 states that 2-bedroom dwellings should be served by a minimum of 2 off-street car parking spaces and one secure and covered cycle space. The Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) requires at least one car parking space per dwelling is provided with active electric vehicle charging infrastructure.
- 8.40 Two tandem off street parking spaces are proposed per dwelling. The proposal therefore meets the minimum requirement for off-street car parking in this respect. Two electric vehicle charging points are proposed to serve these car parking spaces. The car parking spaces and electrical vehicle charging points can be secured by condition.
- 8.41 The submitted Design and Access Statement states that two cycle parking spaces per dwelling, in one shed in the rear garden of each dwelling would be provided. The proposal therefore meets the requirements for cycle parking in this respect. Full details including the dimensions and elevations of the cycle stores can be secured by condition.
- 8.42 Third party concerns have been raised about loss of parking and use of the garages for surrounding residents. It is noted that the site is occupied by 14 garages which each measured approximately 5.1m x 2.4m. This is significantly less than the Council’s current garage standards in the Development Management Document which state that garages should be a minimum of 7m x 3m. Therefore, the garages are unsuitable for parking modern cars. This has led to the site being underoccupied and underused in recent years. The garages are owned by the Council and managed by South Essex Homes (SEH). There has been no interest in recent years from local residents to occupy the garages on this site with SEH records submitted demonstrating that their occupancy has been reducing since August 2012. In early 2023, only two of the fourteen garages had tenants. The site is in poor condition and significant works would be required to bring the entirety of the block into use. The cost of this work would not be supported by the rents received. Additionally, the site has also been subject to anti-social behaviour, with SEH reporting fly-tipping incidents on this site. The last remaining two tenants were served notice by South Essex Homes in February 2024 to facilitate Asbestos Surveys which were required, with possession secured in March 2024. Both residents were offered garages in a nearby garage site within 1mile but declined and opted to store their vehicles elsewhere. There is adequate on-street parking in Bradford Bury and the surrounding roads. This is not considered to be an area of material parking stress.

- 8.43 The Council's Highways Officer has not objected to the proposal. Provision of two sustainable and affordable dwellings is of significant benefit to the community and offsets the loss of the underutilised garages in this location. The proposed parking layout is considered to be acceptable and the proposal is policy compliant in this regard.

Sustainability

- 8.44 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)." Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions." This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 8.45 The submitted documents indicate that solar PV panels would be installed on the roof of the proposed dwellings. No calculations have been provided at this stage to demonstrate that this meets the 10% requirement but this can be secured by condition. Similarly, water usage details can be secured by condition.
- 8.46 Information submitted with the application indicates that the project aims to deliver 2x Passivhaus Plus Certified houses/PHI Low Energy Standard houses which would exemplify sustainable and energy-efficient housing solutions as a pioneering pilot which is a positive aspect of the proposal and should be given due weight as part of the overall planning assessment.
- 8.47 Subject to the described conditions, the proposed is acceptable and policy compliant and in the above regards.

Trees, Ecology, Biodiversity, HRA and RAMS

- 8.48 Part (iv) of Policy DM3 states the backland development will be resisted where proposals will result in the loss of local ecological assets including wildlife habitats and significant or protected trees.
- 8.49 Several trees in the surrounding area are of high visual amenity value, although none are protected by TPOs. A condition is recommended requiring the submission of an Arboricultural Impact Assessment and details of tree protection measures prior to commencement of the development to protect the health and longevity of these trees. The Council's Parks Officer has raised no objections, subject to such details being submitted nor to the birch tree to the south of the site being removed which they advise is in poor condition.
- 8.50 Subject to the described condition, no adverse impacts have been identified to local ecological assets including wildlife habitats and trees. The proposal is therefore policy compliant in the above regards.
- 8.51 This application is exempt from Biodiversity Net Gain requirements as it was submitted prior the relevant requirements coming into effect for this type of development.
- 8.52 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 8.53 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 was adopted by Full Council in October 2020 requires that a tariff of £163.86 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 8.54 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of two dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Land Contamination

- 8.55 The site was previously used as a garage court for many years and is at risk of contamination. The Council's Environmental Health Officer has recommended that a land contamination investigation and remediation scheme is implemented prior to commencement of the development. On this basis, a land contamination condition is recommended. Subject to such a condition the development is acceptable and policy compliant in this respect.

Refuse and Recycling

- 8.56 The Council's Waste Storage, Collection and Management Guide for New Developments provides guidance on waste stores. It does not prescribe a space standard for the provision of a single dwelling, although at paragraph 8.1 it states that waste should be kept in an enclosure.
- 8.57 A refuse collection point is proposed to the south (front) of the proposed dwellings. No other details of refuse and recycling storage have been submitted. It is considered that refuse and recycling storage can be accommodated within the site where it would not cause any harm to the character and appearance of the site and the surrounding area, such as to the rear of the dwellings. Full details of covered and accessible refuse and recycling storage can be secured by condition.
- 8.58 Subject to the described condition, the proposal is acceptable and policy compliant in the above regards.

Flooding and Drainage

- 8.59 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 8.60 The site is within Flood Zone 1 (low risk). The Lead Local Flood Authority has raised no objection to the proposal, subject to a condition. Such a condition can be imposed to ensure the proposed development mitigates against surface water runoff. The proposal is therefore considered to be acceptable and policy compliant in this regard, subject to that condition.

Permitted Development

- 8.61 Given the relatively close relationship of the site to neighbouring dwellings, it is considered reasonable and necessary to restrict permitted development rights for this proposal via condition, to enable the Council to fully assess the impact of any future extensions and

additions on these dwellings which could otherwise offer potential harm to neighbours' amenity.

Community Infrastructure Levy (CIL)

- 8.62 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 146.3sqm, which may equate to a CIL charge of approximately £4,287.72 (subject to confirmation). Since the development would be for affordable housing the applicant can apply for an exemption (subject to confirmation).

Equality and Diversity Issues

- 8.63 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

- 8.64 The proposal would create two new affordable Low Energy Standard houses which would exemplify sustainable and energy-efficient housing solutions as a pioneering pilot. For the reasons outlined within the report and weighing up the material planning considerations identified within the report, the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

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 shall only be undertaken in accordance with the following approved plans: H16854-BG-D01 Rev A; TCTC-1884 (2)-PL-01; EX-00; EX-01; EX-02; EX-20; P-00 Rev D; P-01; P-10 Rev G; P-11 Rev H; P-12 Rev C; P-20 Rev B; P-21 Rev F; P-22 Rev F; P-30 Rev C.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

- 03 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place unless and until full details and specifications of the materials to be used for all the external surfaces of the approved dwellings at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (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 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development under the terms of this condition. This provision shall be made for the lifetime of the development and in accordance with the agreed details.**

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

- 06 Hours of works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank or Public Holidays.**

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (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).

- 07 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 dwellinghouse within Schedule 2, Part 1, Classes A, B, C, D and E.**

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (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).

- 08** The development hereby approved shall be carried out in a manner to ensure that the dwellings comply with Building Regulation part M4(2) 'accessible and adaptable dwellings' before they are brought into use and first occupied.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the Development Management Document (2015) Policy DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015).

- 09** The four car parking spaces for the dwellings, two per dwelling, hereby approved, as shown on approved plans P-00 Rev D and P-01, shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. One car parking space per dwelling shall be fitted with an active electric vehicle charging point prior to first occupation of the dwellings. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new dwellings.

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

- 10** No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The details shall include the following:

- An agreement in principle from Anglian Water to make a new drainage connection should be provided, including agreement to proposed flow rate this connection will discharge at.
- The greenfield runoff rate for the site with calculations showing how this has been reached.
- Calculations to demonstrate the hydraulic performance of the entire pipe network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 45% climate change.
- Details of the body that will be responsible for the maintenance of the drainage system throughout the lifetime of the development including a management statement and schedule to outline the required maintenance for the SuDS features such as tanked system, flow restrictors and permeable paving.
- Details on how flood risk will be minimised during the construction phase.

- **Consideration of the installation of water butts as a cost-effective measure to improve surface water flood and drought resilience.**

11 Any drainage infrastructure shall be installed in accordance with the approved details and maintained on site as approved thereafter.

Reason: To ensure the approved development does not increase flood risk on site or elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

12 Prior to the first occupation of the dwellings hereby approved, covered and secure cycle parking for at least one bicycle per dwelling and covered and screened refuse and recycling storage facilities shall be provided for the future occupiers of the dwellings and made available for use on site in accordance with full details (including elevations) which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved facilities shall be retained for the benefit of the future users and occupiers of the approved development and their visitors for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking and bin storage in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policies DM3, DM8 and DM15 and the advice contained within the Waste Storage, Collection and Management Guide for New Developments (2019).

13 a) Site Characterisation: Notwithstanding the details submitted and otherwise hereby approved, no development shall take place, other than that required to carry out additional necessary investigation which in this case may include demolition and site clearance, until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local planning authority.

The report of the findings must include:

i) A survey of extent, scale and nature of contamination;

ii) An assessment of the potential risks to:

- **Human health;**
- **Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**
- **Adjoining land;**
- **Groundwaters and surface waters;**
- **Ecological systems;**
- **Archaeological sites and ancient monuments; and**

iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(b) Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(c) Implementation of Remediation Scheme: Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the measures set out in the detailed remediation scheme approved under part (b) of this condition have been implemented. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination: 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 in accordance with the requirements of part (a) of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part (b) of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: To ensure that any contamination on site is identified and treated so that it does not harm anyone who uses the site in the future and in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM14 of the Development Management Document (2015).

14 The development hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in association with the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be completed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i. hard surfacing materials;**
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;**
- iii. details of any permeable paving or other sustainable drainage measures to be implemented;**
- iv. all and any means of subdividing and enclosing the site;**
- v. existing and proposed finished levels or contours.**

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, the amenities of occupiers and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

15 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors,**
- ii) loading and unloading of plant and materials,**
- iii) storage of plant and materials used in constructing the development,**
- iv) the erection and maintenance of security hoarding,**
- iv) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,**
- v) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**
- vi) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction. and**
- viii) details of the duration and location of any noisy activities.**

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

16 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until an Arboricultural Impact Assessment which

includes details of tree protection measures to be employed during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 17 The first floor window in the eastern side elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level prior to the first use or occupation of the development hereby permitted and shall be retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with Policy DM1 of the Development Management Document (2015).

- 18 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 under the terms of his condition. The development shall be undertaken and completed at the levels in full accordance with the details so approved and shall not exceed the highest level of land adjacent to the application site.

Reason: In the interests of 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 19 Prior to occupation of the development hereby approved, a Noise Impact Assessment (NIA) shall be undertaken and mitigation measures evaluated and designed to ensure that the internal areas of dwellings are protected from external noise caused by the site's proximity to the A127 in accordance with British Standard BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in British Standard BS8233:2014 Table 4.

07:00 to 23:00

-Resting - Living room 35 dB LAeq,16hour

-Dining - Dining room/area 40 dB LAeq,16hour

-Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour

23:00 to 07:00

-Sleeping/Nighttime Bedroom 30 dB LAeq,8hour

Prior to occupation of the development hereby approved, a post completion noise

survey must be undertaken, and a report submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report. The final agreed noise mitigation scheme shall be operated and permanently maintained thereafter for the lifetime of the development.

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

-The alternative means of ventilation and cooling will not compromise any noise protection measures.

-The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants.

-The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be maintained thereafter for the lifetime of the development.

Reason: In the interest of protecting the development's internal room environment from road traffic noise associated with the A127 in the interests of future occupiers' amenity in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3 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 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 development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for

potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal

(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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 If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council's Regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance are available on the Southend-on-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

4 Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care.

It is recommended that the Council's building control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

5 Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.