

<b>Reference:</b>	24/00454/BC3	
<b>Application Type:</b>	Borough Council Regulation 3	
<b>Ward:</b>	Shoeburyness	
<b>Proposal:</b>	Erect 1no. new accessible bungalow with associated amenity space, parking and carport	
<b>Address:</b>	Garages rear of 40, 42, 44 and 46 Anson Chase, Shoeburyness, Essex	
<b>Applicant:</b>	Mr Martin Berry of Southend-on-Sea City Council	
<b>Agent:</b>	Mr David Lloyd of AK Design Partnership LLP	
<b>Consultation Expiry:</b>	27th May 2024	
<b>Expiry Date:</b>	31st May 2024	
<b>Case Officer:</b>	James Benn	
<b>Plan Nos:</b>	5173.A.100 Rev PL1; 5173.A.101 Rev PL1	
<b>Additional information:</b>	<p><b>Design &amp; Access Statement dated February 2024, ref VB/5173/FEBRUARY2024;</b></p> <p><b>Impact Statement dated February 2024, ref VB/5173/FEBRUARY2024.</b></p>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The proposed development is sited on a former garage block and a small grass verge area in Anson Chase. The garages on this site were undersized for modern cars and therefore redundant. The garages were demolished and only the garage bases remain. These are being used as temporary parking by local residents. The former garage blocks were utilitarian in appearance and not considered to make a positive contribution to the streetscene.
- 1.2 Anson Chase is made up of a number of small cul-de-sacs off a main spine road. The site is in the middle one of the 3 dead end routes on the west side of the street. This arm provides rear access to the surrounding properties which either face the main section of the road to the east, the two other cul-de-sacs to the north and south or Shoebury Park to the west. The surrounding dwellings therefore all have their backs and boundary fences facing onto this area so there are no active frontages at ground level and as such the area is the least attractive space within Anson Chase.
- 1.3 The site is part of the Eagle Way estate which is a large 1970s Council housing estate comprising a mixture of houses and flats laid out in a landscape setting with segregated pedestrian and vehicular routes. The houses and flats are of their time – simple, flat fronted with modern glazing and low pitch gabled or asymmetrical roofs.
- 1.4 The wider area is residential in character. Behind the flats to the west is Shoebury Park.
- 1.5 The site is not within a conservation area or subject to any site-specific planning policy designations.

## **2 The Proposal**

- 2.1 Planning permission is sought to erect a one-bedroom, two-person wheelchair accessible bungalow on the site with associated amenity space, parking and a carport.
- 2.2 The proposed bungalow would be roughly 'L'-shaped and some 7.8m-11.7m deep by 4.2m-9.1m wide with a part gabled, part hipped roof form some 2.6m high to the eaves and 4.7m high to the ridge. The proposed floor area of the bungalow would be some 73.5sqm.
- 2.3 The submitted plans show a dedicated disabled space parking space to the south side of the dwelling with a car port over. A parking area of three additional parking spaces is proposed to the south side of the dwelling. Private amenity space in the form of gardens to the front, side and rear of the dwelling would be provided.
- 2.4 The proposed dwelling's external materials include All About Bricks 'Red Multi Handmade' facing brickwork, Marley Eternit 'Modern' concrete interlocking roof tiles in 'Smooth Brown', 'Birtley Lindisfarne' front door to 'Secure by Design' standards in dark blue/black, UPVC windows and rear doors to 'Secure by Design' standards external colour to be 'Slate Grey RAL 7015', off-white/cream render, UPVC soffits and fascia in white and UPVC guttering and rainwater downpipes in black.
- 2.5 The proposed carport would be timber with steel supporting shoes to raise the timber posts off the ground and it would be clad in white UPVC with a polycarbonate clear/opaque roof.
- 2.6 The hard landscaping proposed includes block paviour up to the pin kerb edging colour

to be 'Brindle', textured paving slabs in colour 'Buff' and black tarmac.

- 2.7 Solar PV panels are shown to the southern, front and western, side roof slopes.
- 2.8 The proposal will form part of the Council's accessible, affordable housing stock.
- 2.9 The site has an previous planning permission ref. 20/01641/BC3 for a 2-bedroom, 3-person wheelchair accessible bungalow. This application is an amended proposal and the main differences include that the dwelling has been relocated within the site because it is required to be 1.5m away from a power cable and 10m away from the nearby electric substation. This application is also for a 1-bedroom, 2-person wheelchair accessible bungalow instead of 2-bedroom, 3-person wheelchair accessible bungalow. The shape of the building has changed and the site now also includes a small grass area to the north.

### **3 Relevant Planning History**

- 3.1 23/01701/AD: Application for approval of details pursuant to condition 04 (details of hard and soft landscaping) of planning permission 20/01641/BC3 dated 09/12/2020. Pending consideration.
- 3.2 23/01700/AD: Application for approval of details pursuant to condition 06 (surface water drainage) of planning permission 20/01641/BC3 dated 09/12/2020. Details approved.
- 3.3 20/01641/BC3 (the 2020 application): Demolish existing garages, erect two bed bungalow with associated amenity space and parking. Permission granted.

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 Thirty-one (31) neighbouring properties were notified of the application by letter and a site notice was displayed. Two (2) letters of representation have been received at the time of writing this report. Due to an amendment to the description of the development, neighbours have been re-consulted and the expiry date for neighbour consultation is 27 May 2024. Should any representations subsequently be received the Development Control Committee will be notified in the Supplementary Report. Summary of representations:

- Parking concerns as there are not enough spaces for neighbours to park in the evenings. Development will cause parking issues.
- Parking is much needed and used by neighbours, parents/carers of children at St George's Primary School and sports clubs. The spaces ease parking problems in the surrounding roads.
- The 3m path area (marked trench zone) will attract fly tipping and antisocial behaviour. Querying the exit/entrance of the path.
- New scheme has dwelling further north and uses green area unlike previous plan.
- Residential amenity concerns.
- Loss of light to neighbouring properties.

**[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**

- 4.2 No objections. Off street parking has been provided.

## **Environmental Health**

- 4.3 No objections subject to conditions relating to land contamination, construction/demolition management and refuse and recycling and an informative relating to construction outside of normal hours.

## **Planning Gateway One**

This planning application does not fall under the remit of planning gateway one. [Officer comment: The Gateway One procedure is not applicable here as it relates to high-rise residential buildings].

## **Essex County Fire and Rescue Service**

- 4.4 No objection.

## **Cadent Gas**

- 4.5 No objection.

## **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.

## **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) and CP7 (Sport, Recreation and Green Space)
- 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 (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)

## **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, ecology and mitigation for impact on designated sites, and CIL liability. The 2020 permission is a relevant material consideration in the determination of this application carrying some weight because the policy and site circumstances are similar.

## **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 small increase in housing, the weight afforded to this is limited but the benefits of the proposal in providing an affordable wheelchair accessible unit to meet identified need are given due consideration as part of the overall planning balance.
- 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 dwelling 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 principle of the development was found to be acceptable in the 2020 application.
- 8.10 The development would result in the loss of a small green space which was not part of the site subject of the 2020 application. This green space comprises two small areas of grass verge which are small in scale and are not Protected Green Space so no objection is raised in this regard.
- 8.11 The site is in a residential area which comprises mainly family housing. There is no objection in principle to new residential development in this location. The proposal seeks to provide an affordable wheelchair unit for which there is an identified need in the City. On this basis, the acceptability of the proposal is considered to be 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**

- 8.12 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.
- 8.13 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.
- 8.14 The proposal seeks to erect a wheelchair accessible affordable bungalow on the site of a former garage block in the middle cul-de-sac of Anson Chase. This area has no active

frontages at street level. It is mainly used for parking and access to the rear gardens of the surrounding properties.

- 8.15 The proposed bungalow introduces active frontage to this area, improving local character and providing some more natural surveillance to the rear of adjacent properties, which is to be welcomed.
- 8.16 The proposed bungalow is located towards the northwest corner of the site with private amenity space to its rear and eastern side. Pedestrian access between the middle cul-de-sac of Anson Chase and the northern cul-de-sac would be retained so. The proposal will not have a significant impact on the permeability of the area.
- 8.17 The proposed bungalow has a mainly gabled form to reflect the character of the surrounding development. The elevations which face on to the close have large windows and a gabled roof projection which adds articulation to the design without appearing out of place in the wider context. Landscaped buffers are proposed around the dwelling which provide additional softening for the development and enhance the streetscene. Full details of landscaping and boundaries can be secured by condition.
- 8.18 Some, but not full details of materials have been submitted indicating that the proposed dwelling would be finished in red brick, off-white/cream render, brown roof tiles and UPVC windows, fascias, soffits and guttering. Such materials are considered to integrate acceptably in the surrounding area. Full details, including product details and images of the proposed materials, can be secured by condition.
- 8.19 A car port formed part of the 2020 application and consistent with the assessment of that application there is no character-based objection to the proposed car port.
- 8.20 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.
- 8.21 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 considered to be acceptable and policy compliant in those regards. This finding is consistent with the assessment of the 2020 application.

### **Amenity Impacts**

- 8.22 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.23 The site bounds the rear gardens of the flats to the south-west (No's 50-60 Anson Chase) and the rear gardens of properties to the north (No 32) and east (No's 40-46). The proposed dwelling would be separated by some 8.6m from the rear elevation of the flats at No's 50-60, some 17.7m from the main rear elevations of the properties to the east (No's 40-46) and some 5.7m from the main rear elevation of No 32 to the north.

Given these separation distances, the former arrangement of the garages and the limited scale of the development proposed, including that it is a single storey 1-bedroom, 2-person dwelling, and the neighbours existing rear garden boundary treatments, it is not considered that the proposal would significantly harm to the amenity of neighbouring occupiers in any relevant regards, including loss of light.

- 8.24 All other dwellings are sufficiently removed from the proposal to prevent any significant harm in any relevant amenity regards. The three parking spaces proposed within the development for general public use would be in the same position as the former garage block with no identified amenity concerns.
- 8.25 Subject to the described condition, the proposal is compliant with parts (i) and (iii) of Policy DM3 as it would not detrimentally impact the living conditions and amenity of existing and future residents or neighbouring residents and would not result in an unusable garden space for future or neighbouring occupiers.
- 8.26 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 considered to be acceptable and policy compliant in terms of its amenity impacts.

### Standard of Accommodation

- 8.27 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.
- 8.28 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 dwelling 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**

	<b>Area (m<sup>2</sup>)</b>	<b>Bedroom 1</b>	<b>Storage area (m<sup>2</sup>)</b>
Standard for 1 storey 1-bed, 2-persons	50	11.5m <sup>2</sup> Wmin=2.75m	1.5
<b>Proposed 1 storey 1-bed, 2-persons</b>	73.5	<b>17.8m<sup>2</sup></b> <b>Wmin = 3.4m</b>	<b>2.8</b>

- 8.29 Table 1 demonstrates that the dwelling would exceed the minimum space standards in terms of floorspace, bedroom sizes and storage areas. All habitable rooms would receive adequate daylight and sunlight and have adequate outlook.
- 8.30 All new dwellings are required to meet Building Regulations M4(2) to ensure that they are accessible and adaptable for all. The proposal is a dedicated wheelchair dwelling and will therefore meet M4(3) which is a higher standard than M4(2). The proposal is therefore acceptable and policy compliant in this regard.
- 8.31 Policy DM8 states that new dwellings should make provision for usable private outdoor



amenity space for the enjoyment of intended occupiers. Private amenity spaces in the form of a rear garden some 34.8sqm and a side garden some 54.4sqm are proposed. The proposed amenity space is considered to be acceptable and would comply with the above-noted policy.

- 8.32 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.
- 8.33 It is considered that 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**

- 8.34 The NPPF states (paragraph 115) 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.”
- 8.35 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.
- 8.36 Policy DM15 states that a 1-bedroom dwelling should be served by at least one off street car parking space 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 is provided with active electric vehicle charging infrastructure.
- 8.37 One off street parking space is proposed on the forecourt which is a disabled person’s space and an additional three public spaces are proposed to the south of the dwelling. The proposal therefore meets the requirement for off street car parking in this respect. Details of secure and covered cycle storage and electric vehicle charging infrastructure have not been submitted. These details can be secured by condition.
- 8.38 Third party concerns have been raised about loss of on street parking for surrounding residents. The site was formerly occupied by 12 garages, all since demolished. They were significantly smaller than current garage standards in the Development Management Document so they were unsuitable for parking modern cars. The base remnants of the garages have provided temporary parking space for local residents, however, this was only a temporary position pending redevelopment of the site. The rest of the close is not affected by the development and enables some 17 cars to be parked and there is further off street parking available in the remainder of Anson Chase. The proposed development meets its own parking needs. This is not considered to be an area of material parking stress. The applicant has nevertheless included within the development site 3 public spaces to address locally expressed concerns.
- 8.39 The Council’s Highways Officer has not raised any objections to the proposal. It is considered that the provision of an affordable wheelchair dwelling is of significant benefit to the community. The proposed parking layout is considered to be acceptable and the proposal is policy compliant in this regard. This is consistent with the findings of the 2020 application.

## **Sustainability**

- 8.40 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.
- 8.41 The submitted documents indicate that solar PV panels would be installed on the roof of the proposed dwelling. Calculations to demonstrate that this meets the 10% requirement and details of water usage have not been submitted at this stage. In both respects the matters can adequately be controlled through planning conditions.
- 8.42 Subject to the described conditions, it is considered that the proposed is acceptable and policy compliant and in the above regards.

## **Ecology, Biodiversity, HRA and RAMS**

- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 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.
- 8.47 The applicant has paid the relevant tariff. The development offers suitable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species. The development is acceptable and in line with policies in this regard.

## **Land Contamination**

- 8.48 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 which the development is acceptable and policy compliant in

this respect.

### **Refuse and Recycling**

- 8.49 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.
- 8.50 No details of refuse and recycling storage have been submitted. It is considered that refuse and recycling storage could be accommodated within the site where it would not cause any harm to the character and appearance of the site and the amenities of the surrounding area. Full details of covered and accessible refuse and recycling storage can be secured by condition.
- 8.51 Subject to the described condition, the proposal is acceptable and policy compliant in the above regards.

### **Flooding and Drainage**

- 8.52 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.
- 8.53 The site is within Flood Zone 1 (low risk). No specific information has been provided regarding drainage. A condition can be imposed to ensure the proposed development mitigates against surface water runoff. The proposal is considered to be acceptable and policy compliant in this regard, subject to that condition.

### **Permitted Development**

- 8.54 Given the relationship of the site to the neighbouring properties' rear gardens 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 to this dwelling which could otherwise offer potential harm to neighbours' amenity. The roof and the arrangement of the amenity areas in this application are materially different to the 2020 application such that extensions and additions are now possible and such a condition is therefore necessary in this instance.

### **Community Infrastructure Levy (CIL)**

- 8.55 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 73.5sqm, which may equate to a CIL charge of approximately £2,154.12 (subject to confirmation). As this development would be an affordable housing unit, the applicant can apply for an exemption (subject to confirmation).

### **Equality and Diversity Issues**

- 8.56 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). It is positive that the development provides a wheelchair accessible affordable housing dwelling. They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

## **Conclusion**

- 8.57 For the reasons outlined above this proposal which provides a new wheelchair accessible bungalow to meet an identified need for such accommodation within the City 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: 5173.A.100 Rev PL1; 5173.A.101 Rev PL1.**

**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 dwelling at the site including facing materials, roof detail, windows, doors, fascia and soffits and the carport 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 dwelling hereby approved is 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 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 dwelling complies with Building Regulation part M4(2) 'accessible and adaptable dwellings' before it is brought into use and first occupied.**

**Reason: To ensure the residential unit 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 and the associated vehicular access for the spaces to access the public highway shall be provided in full accordance with the**

details shown on approved plan 5173.A.100 Rev PL1. The car parking space noted on the approved plan as 1 and the associated vehicular access to and from the public highway shall be provided and made available for use prior to occupation of the bungalow hereby approved and shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking space in connection with the occupiers of that dwelling and their visitors. The car parking space noted on the approved plan as 1 shall be fitted with an active electric vehicle charging point prior to first occupation of the dwelling. The remaining three parking spaces to the south of the proposed dwelling shall be permanently retained for public use.

**Reason:** To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

- 10** 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. Any drainage infrastructure shall be installed in line 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.

- 11** Prior to the first occupation of the dwelling hereby approved, covered and secure cycle parking for at least one bicycle and covered and screened bin storage facilities shall be provided for the future occupiers of the dwelling and made available for use on site in line 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).

- 12** 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: A pre-commencement condition is justified 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).**

**13 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 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).**

**14 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).

#### **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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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.