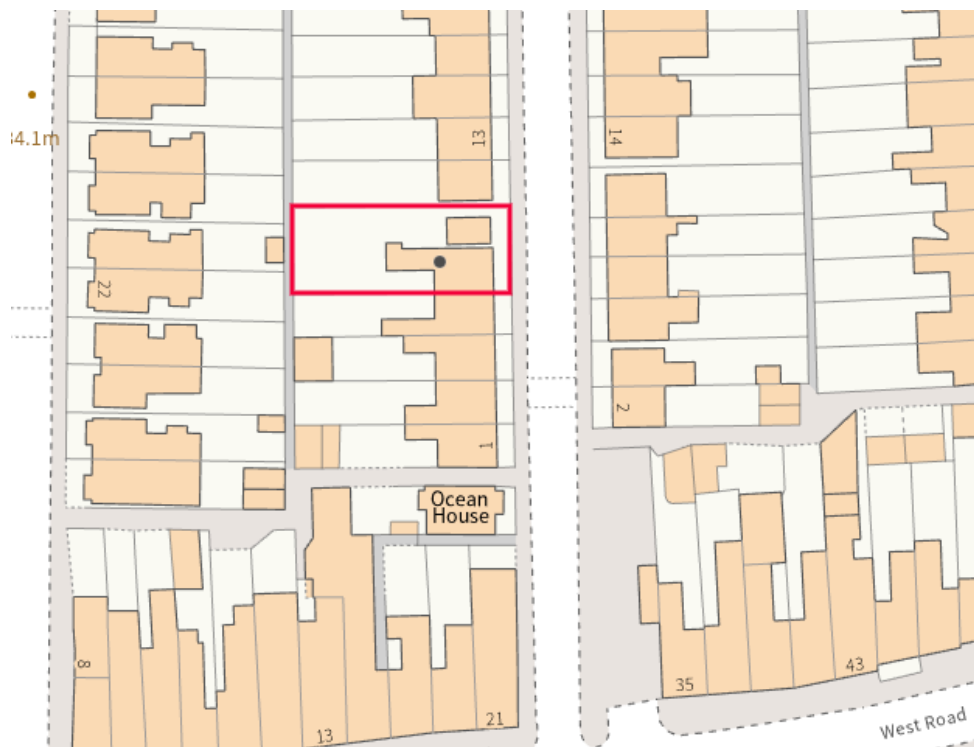


Reference:	24/01185/FUL	
Application Type:	Full Application	
Ward:	Westborough	
Proposal:	Demolition of existing storage shed and erect dwelling house	
Address:	9 Hainault Avenue, Westcliff-on-Sea, Essex, SS0 9HA	
Applicant:	Mr Rob McBain of Neobards Limited	
Agent:	Mr Rob Neobard of Neobards Limited	
Consultation Expiry:	29th August 2024	
Expiry Date:	15th November 2024	
Case Officer:	James Benn	
Plan Nos:	0100; 0101 Rev A.	
Additional information:	Environment Agency Flood map for planning dated 15 July 2024 Design & Access and Planning Statement Job no. NEO.1231 by Neobards. Biodiversity Small Sites Metric Calculation Tool Rev v.05.	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is occupied by a two-storey, end-terraced dwelling on the western side of Hainault Avenue. The dwelling has a detached storage outbuilding/garage to its northern side. The surrounding area is predominantly residential in nature and is characterised by dwellings of similar scale, form and design. There are some commercial premises on West Road and London Road to the south. Land levels slope gently downwards from south to north.
- 1.2 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 demolish the existing single storey detached garage/storage building on the site and to erect a new dwellinghouse with an associated amenity space. The proposed dwelling would be a 2-bedroom, 4-person unit with a gross internal floor area (GIA) of some 103.3sqm.
- 2.2 The proposed dwelling would be attached to the northern side elevation of No 9 Hainault Avenue and set some 1m from the site's northern side boundary.
- 2.3 The proposed dwelling would be two-storey with a dual-pitched, side-gabled roof form. It would have a two-storey front bay projection with a pitched roof over, a two-storey gable end rear projection and a single storey rear projection with a flat roof. The dwelling would be some 14.8m deep at ground floor (inclusive of the single storey rear projection and front bay projection), 10.9m deep at first floor (inclusive of the front bay projection), 4.9m wide, 6.1m high to the eaves and a maximum of some 8.5m high to the roof ridge.
- 2.4 The proposed dwelling would have some 83sqm of rear private amenity space. The host dwelling No 9 would have a 108sqm garden. Bin and cycle storage is proposed in the rear private amenity space. A side accessway is proposed to the northern side of the proposed dwelling. Some indicative soft landscaping is shown to the front and rear of the dwelling. Two trees within the site have already been removed.
- 2.5 No off-street parking is proposed.
- 2.6 The proposed external materials include painted external brickwork and render, pitched roof tiles, white UPVC windows and painted timber doors to match the existing dwelling.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Public Consultation

- 4.1 Eleven (11) neighbouring properties were notified of the application by letter and a site notice was displayed. Four (4) letters of representation have been received. Summary of representations:
 - Parking concerns.
 - Overdevelopment concerns.
 - Oversubscribed parking on Hainault Avenue and surrounding roads already as a result of many family sized homes being converted into flats over the last decade. It is already hard to park for residents.

- An extra dwelling between runs of terraced housing will only exacerbate the parking issues further by adding additional vehicles to the on-street parking situation and by eliminating the single parking space that the property is being built upon.
- Lack of detailed plans of the proposed dwelling.
- Vehicles already park over the drive in the H bar.
- The development and another nearby development will make the parking situation worse.
- The proposals appear to be satisfactory.
- If this should be agreed and passed by the local authority, neighbours look to the applicant to meet the planning and building requirements.

[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. Parking has not been provided for either dwelling. The site does benefit from being in a sustainable location with regard to public transport. It is not considered that the proposal will have a detrimental impact on the local highway network.

The removal of the H bar will form part of the application with the intention that vehicles will be able to park on street outside the proposed dwelling. Future occupiers will not be eligible for a town centre or residential parking permit.

Environmental Health

- 4.3 No objection subject to conditions in relation to land contamination, construction/demolition management and refuse and recycling and informatives relating to construction outside of normal hours, asbestos and a UXO (unexploded ordnance) Preliminary Risk Assessment.

Essex County Fire and Rescue Service

- 4.4 No objections.

Parks (Trees)

- 4.5 No objections. There have been some tree removals (notably a large conifer) and the only trees now are to the rear of the plot and will not be affected by the building as it keeps to the same rear line as the existing building.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Kinsella.

6 Planning Policy and Legislation 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 and Urban Renaissance) 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 (Efficient and Effective Use of Land), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 6.6 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 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 6.13 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.14 Town and Country Planning Act 1990 (as amended): 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, ecology (including mitigation for impact on designated sites and Biodiversity Net Gain (BNG)) 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 would be 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 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. These findings render Policy DM7 and the preferred mix of housing

as out of date and confirm there is need for all dwelling types and sizes. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.

- 8.3 For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise, although, it should also be noted that a scheme for this quantum of housing, one, two-bedroom unit, would have limited effect on the overall supply of housing.

Infill/Backland Development

- 8.4 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.”

- 8.5 The surrounding area is residential in character and regard is had to the position of the application site in a broadly sustainable location for development which conforms to the prevailing land use around it. The locality has a fine urban grain and is informed by linear streets of street facing, high-density dwellings with some infill developments. Buildings typically have similar front building lines. The proposal involves the construction of a new two storey, end-terraced, two-bedroom dwelling attached to the existing dwelling at No 9 Hainault Avenue which is in keeping with this grain, character and the existing building line. It is therefore not considered to conflict with the character or grain of the area, in accordance with the requirements of part (ii) of Policy DM3.
- 8.6 As assessed in more detail in the relevant sections of this report, the proposal would not detrimentally impact the residential amenity of neighbours and would result in acceptable living conditions for intended future occupiers and would provide an adequate garden area in accordance with parts (i) and (iii) of Policy DM3. The proposal would not result in the loss of local ecological assets or significant or protected trees in accordance with part (iv) of Policy DM4. The proposed dwelling would also be capable of meeting the criteria of Building Regulation M4(2) which can be controlled by a planning condition. It is not therefore considered that the development would be in conflict with the relevant criteria of Policy DM3 in these respects.
- 8.7 The principle of development is considered to be acceptable and policy compliant in the above regards, subject to the proposal appropriately addressing the relevant detailed planning considerations.

Design and Impact on the Character of the Area

- 8.8 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.

- 8.9 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.
- 8.10 The locality has a fine urban grain and is informed by linear streets of street facing, high-density terraced and semi-detached dwellings with some infill developments. The dwellings in Hainault Avenue are predominantly two storey and terraced and they typically have regular and consistent front building lines, including the host dwelling No 9, and are typically similar in form, scale and their traditional appearance.
- 8.11 The proposed dwelling would have a front building line consistent with No 9 and the other dwellings in the street and would be consistent with the grain of the surrounding area. The proposed dwelling would be set some 1m from the northern side boundary with No 11 and there is a some 1.9m separation distance to the flank of No 11. Therefore, the development would not appear as unduly cramped or result in any unrelated terracing. The development would infill an uncharacteristic gap in the streetscene, which is positive. The proposal is therefore acceptable in these regards.
- 8.12 The proposed dwelling would be two-storey and would have a dual-pitched, side-gabled roof form. It would correspond adequately in form and scale to the neighbouring and surrounding dwellings. The eaves and ridge heights would be similar to neighbouring buildings' and the design features reflect those at No 9. The proposed dwelling would be narrower than No 11. However, in the round, it is not considered that it would appear significantly out of keeping or unusual in this regard. There are some examples of flat roofed single storey rear projections and two storey pitched roofed rear projections in the surrounding rear garden scene such that these aspects of the proposal are not considered to result in any significant harm in design terms.
- 8.13 Modest indicative soft landscaping is shown to the front and rear of the proposed dwelling. The host dwelling would retain a satisfactory amount of rear garden. Enclosed front gardens are a typical feature in the streetscene. The agent has confirmed by email that an enclosed front garden will be provided with a pathway to the principal entrance and front boundary treatment including a gate which, subject to full details being submitted by condition, is positive. Full details of boundary treatments and hard and soft landscaping, including the front garden, can be secured by condition. Subject to the described condition, the proposal is considered acceptable in these regards.
- 8.14 The proposed materials would be generally consistent with the surroundings with a residential character. As a new dwelling it is considered appropriate that full details of the proposed materials are submitted for approval, and this can be secured by condition.
- 8.15 In the round, subject to the described conditions, the proposal is considered acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.16 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.

8.17 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 unit proposed and the minimum standards for bedrooms are set out below:

- Minimum Gross Internal Floor Area (GIA) for a 2-bedroom, 4-person unit over 2 storeys shall be 79sqm with minimum built-in storage of 2sqm.
- Bedroom floor areas: The minimum floor area for a double/twin bedroom to be at least 11.5sqm and at least 2.75m wide or 2.55m wide in the case of other double/twin bedrooms. The minimum floor area for a single bedroom to be at least 7.5sqm and 2.15m wide.
- Floorspace with a head height of less than 1.5m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

8.18 The proposed dwelling would have the following accommodation:

- GIA: 103.3sqm.
- Bedroom 01: 17.5sqm in floor area; some 4.1m wide.
- Bedroom 02: 12.8sqm in floor area; some 3.4m wide.
- Built-in storage: some 2.2sqm.

8.19 The proposed dwelling would therefore exceed the NDSS minimum space standards.

8.20 In terms of light and outlook, the floor plans submitted demonstrate that all habitable rooms would be provided with adequate light, ventilation and outlook.

8.21 Policy DM8 of the Development Management Document as amended states that all new dwellings should comply with Building Regulation M4(2). The submitted Design and Access Statement states that the dwelling would have level access in accordance with Approved Document M and internally the ground floor layout allows access for all with compliant door widths and ground floor WC provision. On this basis, it is considered that it is possible for the proposed dwelling to meet the criteria of Building Regulation M4(2) so this matter can be reasonably dealt with through a planning condition.

8.22 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The proposed dwelling would have some 83sqm of private amenity space to the rear which would be of a suitable size and shape to meet the amenity needs of any future occupiers. The host dwelling, No 9 Hainault Avenue, would retain a rear private amenity space of some 108sqm which similarly would be of a suitable size and shape to meet the amenity needs of the existing and future occupiers. The existing and proposed rear private amenity spaces would not be unduly overlooked as a result of the development. Full details of boundary treatments and hard and soft landscaping can be secured by condition.

8.23 It is not known what the storage outbuilding has been used for. As the proposed dwelling will be built over the footprint of the storage building, a watching brief contamination condition is recommended to protect the amenities of future occupiers, in accordance with Environmental Health recommendations.

8.24 Subject to the described conditions, it is considered that the proposed dwellinghouse would provide appropriate living conditions for its future occupiers. It would therefore be acceptable and policy compliant in the above regards.

Amenity Impacts

- 8.25 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.
- 8.26 Given the nature of the proposal, which is a single, two-bedroom, four-person dwelling in a built-up, residential area, it is not considered that it would result in any significantly harmful noise and disturbance impacts to neighbouring occupiers over and above the existing situation or which would be significantly harmful in their own right.
- 8.27 The proposed dwelling would be set up to the shared boundary to the south with the attached host dwelling No 9 Hainault Avenue. No 9 has an existing single storey rear projection set up to this boundary and at ground floor the proposed dwelling would not project forward or rearward of No 9's front and rear elevations at ground floor level. The proposed dwelling, at first floor, would project some 2m beyond No 9's main rear wall at first floor and the gable end roof form would slope down towards No 9. No 9's first floor window nearest the boundary is understood to be obscure glazed and therefore not a primary opening to a habitable room. Having regard to the relationship with No 9 discussed, the proposed dwelling would not significantly harm the amenity of the occupiers of No 9 having regard to loss of light, loss of outlook, undue sense of enclosure, dominance or overbearing impacts.
- 8.28 The proposed dwelling would be set some 1m from the shared boundary to the north with No 11 Hainault Avenue and some 1.9m from No 11's side elevation. The proposed dwelling would not project forward of No 11's front elevation. At ground floor the proposed dwelling would project some 6.3m and at first floor it would project some 2.4m beyond No 11's rear elevation. The dual-pitched roof form at first floor would slope down towards No 11. The ground floor element (the single storey rear projection) would be some 3.3m high. Having regard to the relationship with No 11 discussed, including the separation distance, the proposed dwelling would not significantly harm the amenity of the occupiers of No 9 having regard to loss of light, loss of outlook, undue sense of enclosure, dominance or overbearing impacts.
- 8.29 A condition is recommended for the first floor side window in the new dwelling's northern elevation to be obscure glazed with limited openings to prevent any significantly harmful overlooking and loss of privacy to the occupiers of No 11. Due to being at ground floor and the existing boundary fence, the proposed ground floor side window in the northern elevation would not result in any significantly harmful overlooking and loss of privacy to the occupiers of No 11. No southern side windows are proposed, so there would be no undue overlooking or loss of privacy to No.9 in this respect.
- 8.30 Given the relationship of the proposed development to No 11 Hainault Avenue, it is considered reasonable and necessary to restrict certain permitted development rights for this proposal via condition, to enable the Council to fully assess the impact of any future extensions on this dwelling which could otherwise potentially harm this neighbour's amenity. A condition controlling any future use of the development's rear flat roof is similarly recommended.
- 8.31 The proposed rear fenestration would look out into the rear garden and would be separated by a minimum of some 14m from the rear boundaries of the properties in

Brightwell Avenue to the west. Neighbouring rear gardens to the sides would be at oblique angles. On this basis the proposed rear fenestration would not result in any significantly harmful overlooking and loss of privacy to any neighbouring occupiers.

- 8.32 The proposed front fenestration looks out into the street which is already open to public gaze and would not cause any significantly harmful overlooking and loss of privacy to any neighbouring occupiers.
- 8.33 Subject to the described conditions, 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.

Traffic and Transportation Issues

- 8.34 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."
- 8.35 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 of the Development Management Document states a 2+ bedroom dwelling should be served by a minimum of two off-street parking spaces and one secure and covered cycle space. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.
- 8.37 The existing storage outbuilding/garage does not meet the Council's minimum dimensions of 7m by 3m to be considered as a useable parking space. The hard surface to the front of the garage does not meet the Council's minimum parking area of 6.5m wide by 2.6m deep for a parking space parallel to the highway. It is therefore considered that the existing dwelling does not have any off-street parking. No off-street parking is proposed for the existing dwelling which is the same as the existing situation, nor for the new dwelling. There would therefore be a shortfall of two off-street parking spaces for the new dwelling. The site benefits from being in a sustainable location with regard to public transport, including bus routes on London Road to the south in walking distance and Westcliff railway station some 15 minute walk. The Council's Highways Officer has not objected to the proposal and has confirmed that future occupiers of the new dwelling would not be eligible for parking permits. The H-bar would also need to be removed as a result of this development, again to be subject of an informative and so providing additional on-street parking. The agent has confirmed by email the applicant will apply to the Council's Highways Team to remove the H bar. Taking account of these particular factors it is considered that the proposal will have an acceptable impact on parking conditions locally and would not have an unacceptable impact on highway safety or, cause residual cumulative impacts on the road network which would be severe in nature (to which the NPPF refers as in 8.34 above).
- 8.38 Given the nature of the proposal and the nature of the one-way street, a pre-commencement condition requiring a Construction Management Plan is suggested in the interests of protecting the amenities of surrounding occupiers and in the interests of

highway safety.

- 8.39 Cycle storage is shown in the rear private amenity space. It is considered that cycle storage can be appropriately located within the site in this manner. Full details of secure and covered cycle storage can be secured by condition.
- 8.40 Subject to the described condition, the proposed development is acceptable and policy compliant in terms of its highways impacts in the above regards.

Sustainability

- 8.41 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. [...] All new development that creates additional residential and/or commercial units, should be energy and resource efficient by incorporating [...] requirements” such as “Water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting”.
- 8.42 No details of renewables have been submitted. Full details of renewables can be secured by condition. Water efficient design measures can also be secured by condition.

Ecology, Biodiversity, HRA and RAMS

- 8.43 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.
- 8.44 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.
- 8.45 The applicant has made the relevant payment and the proposed development is therefore acceptable and compliant with the adopted RAMS Supplementary Planning Document (SPD).

Biodiversity Net Gain (BNG)

- 8.46 Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) Biodiversity Net Gain (BNG) is mandatory from 12 February 2024 for major schemes and 2 April 2024 for small sites. Schedule 14 of the Environment Act sets out that a general 10% BNG condition applies automatically to all planning permissions (except that exempt from BNG requirements). BNG is a way

of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

- 8.47 The site appears to have been cleared for the development which has resulted in the removal of two trees which account for a habitat area of 203sqm. A small sites biodiversity metric calculation has been submitted with the application which shows that 0.1872 habitat units have been lost on site which would be replaced with 0.0136 habitat units provided on site in the form of a vegetated garden. Therefore, onsite BNG targets will not be met as the development would result in a net loss of -0.1736 habitats (-92.75%) and the applicant has a statutory requirement to provide off-site BNG. Full details of BNG implementation and future management will need to be verified and monitored through the submission of a Biodiversity Gain Plan which is required by the legislation and an informative is included to this effect.

Refuse and Recycling

- 8.48 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.
- 8.49 Bin storage is shown in the rear private amenity space. It is considered that bin storage can be appropriately located within the site. Full details can be secured by condition.
- 8.50 Subject to the described condition, the proposal is acceptable and policy compliant in the above regards.

Flooding and Drainage

- 8.51 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed development would be partly built within undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to such a condition, the proposal is acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

- 8.52 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 103.3sqm, which may equate to a CIL charge of approximately £3,027.48 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity Issues

- 8.53 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 have noted the dwelling can comply with building regulation M4(2) and 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

- 8.54 For the reasons outlined above 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.
- 8.55 Should Members identify any areas of harm, including about matters which have been discussed in this report, should they reach a different conclusion from officers on those individual considerations then this needs to be balanced against the public benefits of the proposal including as identified within the body of the report. This proposal creates new housing, therefore, when assessing any harm identified, it is necessary to demonstrate that, in making a decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development hereby approved shall only be undertaken in accordance with the following approved plans: 0100; 0101 Rev A.**

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 of the detailed fenestration design and all materials to be used on all the external elevations of the development hereby approved including for the external walls, roofing, fascia and soffits, doors and windows, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall only be carried out and completed in full accordance with the approved details.**

Reason: To safeguard the character and appearance of the surrounding

area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 04** Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

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

- 05** No development above ground level shall take place unless and until full details of both hard and soft landscape works to be carried out at in the front and rear parts of the site 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 carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

- i. means of enclosure of and subdividing the site, including enclosure of the front garden and including details of any gates or boundary treatments.
- ii. hard surfacing materials.
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification.
- iv. details of measures to enhance biodiversity within the site.
- v. details of any permeable paving or other sustainable drainage measures to be implemented.
- vi. existing and proposed finished site 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 agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 06** 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 under the terms of this condition and implemented in full prior to the first occupation of the development. 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), Development Management Document (2015) Policy KP2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 07** Prior to occupation of the development hereby approved water efficient

design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), 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: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 08 The flat roof of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without planning permission having been granted. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.

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).

- 09 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 provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

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

The development shall be carried out fully in accordance with the approved details before it is first occupied.

Reason: In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 11 Prior to the first occupation of the development hereby approved, full details (including scaled elevations) shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition identifying the provision of secure and enclosed refuse and recycling and cycle storage for the approved development at the site. The approved

refuse and recycling and cycle storage shall be provided in full and made available for use by the occupants of the approved dwelling prior to the first occupation of the dwelling hereby approved and shall be retained as such thereafter for the lifetime of the development.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

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

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

13 The first floor window in the northern 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 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).

14 In the event that contamination is found at any time when carrying out the

development it shall be reported in writing immediately to the Local Planning Authority and the carrying out of the development shall stop immediately under the terms of this condition. An investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme must be submitted and approved in writing by the Local Planning Authority under the terms of this condition.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by Local Planning Authority under the terms of this condition.

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

Reason: For the avoidance of land contamination and human health in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP1 and KP2 and Policy DM14 of the Development Management Document (2015).

- 15 Notwithstanding the provisions of Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions shall be erected at the dwelling hereby approved at any time without express planning permission being granted.

Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

POSITIVE AND PROACTIVE STATEMENT:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

INFORMATIVES:

- 1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about the

Levy.

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.**
- 3 The applicant is advised they will be expected to arrange removal of the H-bar and will need to apply to the Council's Highways Team regarding its removal so that vehicles will be able to park generally on street outside the proposed dwelling.**
- 4 Future occupiers will not be eligible for a town centre or residential parking permit.**
- 5 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 Regulatory Services Team 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.

- 6 Prior to demolition of the existing building 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.

- 7 A UXO Preliminary Risk Assessment of the potential for unexploded ordnance at the site should be undertaken by competent person and any recommendations for further action reported to Southend-On-Sea City Council.**
- 8 Biodiversity Net Gain - The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the**

development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Southend-on-Sea City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Where development is to proceed in phases Biodiversity Gain Plans are required before development may be begun (the overall plan) and required before each phase of development may be begun (phase plans).