

Reference:	24/00409/BC3	
Application Type:	Borough Council Regulation 3	
Ward:	St Laurence	
Proposal:	Erect a two storey dwellinghouse on land adjacent 96 Denton Avenue with amenity space to rear and layout parking to front	
Address:	Land Adjacent 96 Denton Avenue, Westcliff-on-Sea, Essex	
Applicant:	Mr Martin Berry of Southend-on-Sea City Council	
Agent:	Mrs Michelle Fishlock of Southend-on-Sea City Council	
Consultation Expiry:	19.11.2024	
Expiry Date:	13.12.2024	
Case Officer:	Scott Davison/Charlotte White	
Plan Nos:	Site Location Plan EX-00 Rev B Proposed Site Plan P-00 Rev E Proposed Landscape Plan P-01 Rev A Proposed Floor Plans P-10 Rev F Proposed Roof Plan P-11 Rev C Proposed Elevation P-21 Rev E Proposed Street Elevation P-20 Rev B Proposed Section P-30 Rev D Existing Street Elevation EX-20 Existing Site Plan EX-01 Rev A Proposed Drainage Layout H16854-DA D01 Rev A	
Additional information:	Design and Access Statement Rev B dated 12.11.24. Tree Schedule (BS5837) 96 Denton Avenue ref. TCTC 18842 (Version 2). Tree Survey ref. TCTC-18842(1) – PL-01 Rev. A.	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is a largely vacant plot of land to the northern side of No 96 Denton Avenue which used to be part of the garden at No 96 Denton Avenue but no longer serves that purpose. It is on the western side of Denton Avenue some 40m south of the junction with Feeches Road and is accessed from an existing vehicle crossover from Denton Avenue. The application site is irregular in shape and includes part of the front garden area of No.96 Denton Avenue.
- 1.2 The surrounding area is residential, mainly characterised by single and two-storey semi-detached dwellings. There are some blocks of flats within the surrounding area. The site is within Flood Zone 1 and is not subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 Planning permission is sought for the erection of a detached, two storey dwelling house on the vacant land adjacent to No 96 Denton Avenue. During the course of this application the proposal was amended to reposition the dwelling's siting and to amend the red line plan to include an area to the front of No 96 itself to provide it with its own parking space.
- 2.2 The application site is irregular in shape which tapers to the rear and is some 11.5m wide to the front reducing to 1.4m wide to the rear and is some 34.8m deep (including the sites of the proposed crossovers). The proposed dwelling would have a maximum depth of some 10.6m, and a width of 5m with a pitched roof with an eaves height of some 5.4m and a ridge height of some 7.5m. There would be a small projecting flat roof porch to the front elevation. The dwelling would be set some 6.1m back from the highway, would be some 1m from the flank boundary with No.96 and some 2m from the flank wall of No.96 Denton Avenue. At the front of the site the dwelling would be some 1.7m from the northern boundary shared with the properties in Feeches Road, decreasing to some 0.2m from this boundary due to the tapering nature and shape of the plot.
- 2.3 The proposed dwelling would have a floor area of some 75.9sqm. The ground floor

would have an entrance lobby, a kitchen area, a W.C. and a separate living/dining room as well as two storage areas each some 0.5sqm. On the first floor would be two bedrooms, one double, some 11.8sqm and one single, some 11.2sqm, a bathroom and three storage areas some 0.6sqm, 0.8sqm and 0.8sqm. To the rear, the proposed dwelling would have some 51sqm of private amenity space. An existing dropped kerb would be required to be extended to provide vehicular access to two new off-street parking spaces to the front of the proposed dwelling. A parking space is also shown to the front of No.96 Denton Avenue with a new dropped kerb provided to access this.

- 2.4 The information submitted with this application explains that the objective of this project is to construct a single house on this Denton Avenue site, adhering to the Future Homes Standard 2025. This initiative aims to address the pressing need for social housing in Southend with the dwelling to be retained by the Council (subject to the right to buy) as a social house to be let at affordable rents. The submission explains that by employing the Future Homes Standard 2025, the house will exemplify sustainable and energy-efficient housing solutions, setting a precedent for future developments in the city. This project serves as a pioneering pilot for subsequent sustainable constructions on public sector sites where their circumstances present challenges in achieving Passivhaus standards, demonstrating the viability and benefits of such innovative approaches to housing. The development will help to inform the Housing Team how to tackle similar council owned, small sites where achieving Passivhaus standards presents challenges due to the site's circumstances.
- 2.5 External finishing materials would include buff facing brick walls (London Weather Yellow), and plain roof tiles (colour slate grey), powder coated aluminium windows (RAL 7035 (light grey), and paint finished doors (RAL 6027 (light green)).

3 Relevant Planning History

- 3.1 22/01744/PREAPF – Erect two storey dwellinghouse – advice given.

4 Representation Summary

Public Consultation

- 4.1 A site notice was displayed, and nine (9) neighbours were notified of the application by letter. A second round of consultation was undertaken when amended plans were received. Two (2) letters of representation have been received from the same address and their contents are summarised as follows:

- Highway safety concerns from parking, congestion, construction, and noise.
- Proposal likely to make it difficult/dangerous for neighbours to use their existing off street parking facilities.
- Proposal likely to cause bottle neck due to parking or heavy machinery and storage facilities on road used as cut through to avoid "The Bell" traffic junction.
- Denton Avenue has previously been used for construction storage which has caused bottleneck where it becomes a single lane, concerns raised that the construction will similarly cause access issues/danger for neighbours.
- Causing neighbours stress and health issues.
- Build will cause disruption to neighbours.
- No highways report submitted.
- Residential amenity concerns.
- Loss of privacy to dwellings and gardens from upper side facing window.

[Officer Comment: Issues relating to highway safety and privacy concerns have been

addressed within the report. The concerns summarised above are noted and they have been taken into account in the assessment of the application where relevant to material planning considerations but were not found to justify refusing planning permission in the circumstances of this case.]

Essex County Fire and Rescue

4.2 No objection.

Highways

4.3 No objection. The applicant will be required to apply to highways to carry out the necessary vehicle crossover works to ensure vehicles can park off street.

Environmental Health

4.4 No objection subject to conditions relating to contamination, construction and demolition management and refuse and recycling and an informative relating to out of hours construction.

Lead Local Flood Authority (LLFA)

4.5 No objection. Recommend approval, subject to a drainage condition.

5 Procedural matters

5.1 This is a Council application, and objections have been received, therefore the application is presented to the Development Control Committee for determination.

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 Technical Housing Standards – Nationally Described Space Standards (2015)

6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).

6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (Seafront) (for RAMS), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).

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

6.8 Technical Housing Standards Policy Transition Statement (2015)

6.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)

6.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

- 6.11 The Essex Coast Recreation disturbance Avoidance Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.12 Southend-on-Sea Vehicle Crossover Policy (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, flood risk/drainage, ecology including RAMS and Biodiversity Net Gain (BNG) and CIL liability.

8 Appraisal

Principle of Development

- 8.1 The NPPF encourages the effective use of land, in particular, previously developed land. Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way. Policy CP8 requires that development proposals contribute to local housing needs.
- 8.2 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would create a net increase of a single two-bedroom dwelling which is a very modest contribution to the housing supply of the City.
- 8.3 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."
- 8.4 (i) As set out in the relevant sections of the report below, the development does not result in a detrimental impact upon the living conditions and amenity of existing and future residents in accordance with this criterion.
(ii) As set out below, it is not considered that this two-storey detached dwelling with separations to each of its sides and a consistent building line would appear at odds with

the established character of the area or the grain of the local area in principle.

(iii) The proposal would not result in an unusable garden area for the existing dwelling at No.96 nor for the proposed dwelling. This is assessed further in the section on the standard of accommodation.

(iv), It is not considered that the proposal would result in a loss of ecological assets or preserved trees.

- 8.5 The principle of creating a separate self-contained, infill dwelling at the site as proposed is therefore considered to be acceptable as it would accord with all of the requirements of Policy DM3, as detailed further within the report.
- 8.6 As part of the assessment due regard has also been given to the public benefits represented by this particular dwelling project. The Future Homes Standard (FHS) referred to in paragraph 2.4 is not an obligatory planning policy requirement, but this proposal is designed to exemplify sustainable and energy-efficient housing solutions, setting a precedent for (appropriate) future public sector housing projects and developments in the city. The FHS aims to decarbonise new homes by focusing on improving heating, hot water systems, and reducing heat waste. Both in that respect and in serving as a pioneering pilot for subsequent sustainable constructions on constrained sites the associated public benefits weigh in favour of the proposal.

Design and Impact on the Character of the Area

- 8.7 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.
- 8.8 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.
- 8.9 The application site was formerly part of the curtilage for 96 Denton Avenue. No's 94 & 96 to the south of the site are a pair of semi-detached dwellings. Denton Avenue has a residential character, with modest sized dwellings with the front of dwellings set back from the highway with private gardens at the rear. It is noted that there is a recently constructed detached dwelling (No.59 Denton Avenue) at the junction of Denton Close and Denton Avenue some 30m to the southeast.
- 8.10 The southern flank elevation of the proposed dwelling would be sited some 2m from the flank elevation of No.96 Denton Avenue. At the front of the plot, the northern flank elevation would be some 1.7m off the shared boundary to the north with properties in Feeches Road, reducing to a point where the north-western rear corner would be some 0.2m from this boundary. These separation distances are not out of keeping in the area and will ensure the development does not appear cramped or out of keeping with the surrounding development.
- 8.11 The appearance of the proposed development would be a slightly more modern take on the traditional architectural forms in the surrounding area. The main front wall of the development would not sit forward of the building line in Denton Avenue to the south and the porch would not appear out of keeping as single storey front canopies and projections are common in the vicinity.

- 8.12 The proposed dwelling would have a taller ridge than the immediately adjoining dwellings at No's 94 & 96 Denton Avenue to the south. However, the pair of semi-detached dwellings at No's 94 and 96 have very shallow pitched roofs and are an anomaly in the streetscene in this part of Denton Avenue in this respect, whereby the other pairs of dwellings have taller and steeper roof pitches. The streetscene elevation submitted clearly demonstrates that the dwelling would not materially exceed the height of other dwellings in the surrounding area, with more traditional roof pitches and that its eaves height would align with that of Nos 94/96. It is also noted that the new infill dwelling at No.59 Denton Avenue has a different roof angle and height than its immediate neighbours. There are also hipped roof bungalows and chalets in Feeches Road to the immediate north of the site and flat roofed blocks of flats to the south-west of the site in Purley Way. Given this immediate context, in the particular circumstances of this case, it is considered that the overall height and scale of the development would not appear unusual or out of keeping and would not result in any significant harm to the character and appearance of the area.
- 8.13 In terms of detailed design, the pitched roof dwelling, front porch and fenestration take reference from the wider surrounding properties to the east and south of the site rather than the more anomalous immediate neighbouring building to the south (No's 94 and 96). The use of traditional materials such as brick and plain roof tile would integrate acceptably within the street scene and the appearance of the proposed development would not be out of keeping visually. It is considered that the external design of the dwelling responds satisfactorily to its context and would not detract from the setting of the neighbouring properties. Full details of the materials to be used can also be secured via planning condition.
- 8.14 A tree schedule and tree plan has been submitted with the application which identified a tree to the immediate rear of the site; a common hazel tree which is categorised as a category C1 tree (tree of low quality). The tree is to the rear of the site so unlikely to be impacted by the development, however a condition requiring tree protection measures to ensure the tree is not impacted by the development is recommended. Indicative hard and soft landscaping is shown on the submitted plans and full details can be secured by condition.
- 8.15 Subject to the described conditions, the development is acceptable and policy compliant in the above regards.

Amenity Impacts

- 8.16 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.
- 8.17 The provision of a single dwelling within an existing residential area would not result in any significantly harmful noise and disturbance to existing residents.
- 8.18 The proposed dwelling would have openings to the front and rear elevations and in the north facing side elevation at ground and first floor level. The front windows would face onto the highway which is already open to public gaze so would not result in any harmful overlooking or a loss of privacy to properties on the eastern side of Denton Avenue some

22m to the east. The rear, west facing windows would have an outlook onto the rear garden area and a garage court beyond. The site splays and significantly narrows to the rear, and the dwelling has been designed with its first floor rear window closest to the northern side and closest to the dwellings in Feeches Road to be a 'fake window' such that it would maintain the design integrity of the dwelling without causing any overlooking or loss of privacy to the end parts of the rear gardens of these neighbouring dwellings.

- 8.19 The north facing flank windows would serve a WC at ground level and bathroom at first floor level. The ground floor window would be largely screened by standard boundary treatment and the first floor window can be conditioned to be obscure glazed with limited openings in order to prevent any perceived or actual overlooking and loss of privacy. Subject to such a condition, the development is acceptable in this respect.
- 8.20 The proposed dwelling is situated at the end of the rear gardens of the dwellings in Feeches Road to the north. There are some garages and outbuildings to the rear of some of those dwellings and the development would be some 20m from the rear elevations of the dwellings in Feeches Road. As such, it is not considered that the proposal would result in a dominant or overbearing impact or any undue overshadowing or loss of light and outlook to the occupiers of those adjoining dwellings.
- 8.21 The proposed dwelling would be some 2m from the flank wall of No.96 Denton Avenue. The new two storey dwelling would extend some 4m beyond the rear wall of No.96. It would not encroach upon a notional 45 degree guideline projected from the centre of the first floor rear window at No.96. Given the separation distance provided and the position of the proposed dwelling and its orientation to the north of No.96, it is not considered that the development would result in any significant harm to the residential amenity of the occupiers of No.96 in any relevant regards, including in terms of an overbearing impact, dominance, overshadowing or loss of light and outlook. However, given the degree of projection beyond No.96 it is necessary to remove permitted development rights for extensions and roof enlargements under Classes A and B of the General Permitted Development Order (GPDO) so that any such future proposals can be controlled in the interests of the residential amenity of this neighbour.
- 8.22 For the reasons outlined above, the proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts subject to the described condition.

Standard of Accommodation

- 8.23 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.
- 8.24 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floor space, bedroom sizes and storage sizes. The required size for the type of unit proposed is set out below:
- Minimum property size for a 2-bedroom, 3 person dwelling over 2 storeys is 70sqm
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Storage requirements: minimum of 2sqm.
- Weight should also be given to the content of Policy DM8 which states the following

standards in addition to the national standards.

- Amenity: Suitable space should be provided for private outdoor amenity, where feasible and appropriate to the scheme.

- Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906:2005 Code of Practice for Waste Management in Buildings.

- 8.25 The proposed dwelling would measure some 75.9sqm (exceeding the minimum requirements of the NDSS) and the bedrooms and storage space requirements would exceed the minimum size requirements of the technical space standards.
- 8.26 In terms of light and outlook, the floor plans submitted demonstrate that all habitable rooms would be provided with adequate light, ventilation and outlook.
- 8.27 The Council has no adopted standards for amenity space provision. Policy DM8 states, "Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances." An irregular shaped amenity space would be set to the rear of the dwelling measuring some 51sqm. Whilst this space would be small in area compared to surrounding properties, it would be capable of being sufficiently screened and private in order to provide an amenity space capable of meeting the day-to-day activities of the future residents. The garden area retained for No.96 Denton Avenue is some 160sqm which is acceptable. The proposed amenity spaces are considered to be acceptable and would comply with the above-noted policy guidance as well as criterion DM3 2. (iii).
- 8.28 The plans show provision of a shed in the rear garden for cycle and refuse and recycling storage with a refuse collection point to the front of the site. This is acceptable in principle, subject to a condition requiring full details to be submitted to the Local Planning Authority.
- 8.29 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations. The Design and Access Statement states that the design would be compliant with Part M4(2) of the Building Regulations. This can be secured through the imposition of a condition.
- 8.30 Environmental Health have recommended a watching brief contamination condition to protect the amenities of future occupiers, given how long the site has been vacant for resulting in fly-tipping and as their records indicate that there were previously garages on this site. Subject to such a condition no objection is raised on this basis.
- 8.31 Subject to the described conditions, it is considered that the proposed dwellinghouse will provide appropriate living conditions for future occupiers. It would therefore be acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 8.32 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."
- 8.33 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. The adopted parking standards require a minimum of 2 parking spaces per dwelling for 2+bedroom dwellings.

- 8.34 The new dwelling would be accessed by the existing crossover which will need to be extended, and a total of two off-street parking spaces would be provided for the proposed dwelling which would be policy compliant. The existing dwelling at No.96 Denton Avenue does not currently have any off-street parking, however, this proposal will provide No.96 with a parking space to the immediate front of the dwelling which will be served by a new crossover which is an improvement over the existing situation. Highways have raised no objection to this proposal. The new dwelling will be provided with an electric vehicle charging point at the front of the site, in accordance with the requirements of the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document. The electric vehicle charging point and parking spaces can be secured by a condition.
- 8.35 The information submitted with the application indicates that a shed will be provided in the rear garden to provide refuse recycling and cycle storage. This is acceptable in principle and a condition can be imposed requiring full details to be submitted to and approved by the Local Planning Authority.
- 8.36 Given the nature of the proposal and its location it is necessary to impose a condition requiring a Construction Management Plan to be submitted to and approved in writing by the Local Planning Authority. This has also been recommended by Environmental Health.
- 8.37 Subject to the described conditions the proposal is acceptable and policy compliant in the above regards.

Sustainability

- 8.38 Policy KP2 of the Core Strategy states, "All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources" and that "at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)." The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design. The Design and Access Statement and plans submitted indicate that photovoltaic panels would be installed on the rear roof slope and full details of these can be secured by condition. It is also noted that the applicant is seeking to provide a highly sustainable home on the site that will meet the criteria for Future Homes Standards 2025 which seeks to ensure new homes are highly energy-efficient and low carbon. It mandates improved insulation, airtightness, low-carbon heating systems like heat pumps and renewable energy use, which is positive.
- 8.39 Policy DM2 of the Development Management Document part (iv) requires 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 and appliances and can be secured by conditions.

Flooding and Drainage

- 8.40 National policy requires that any development is safe from flooding and does not

increase the risk of flooding elsewhere. The proposed development would be 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. The Lead Local Flood Authority (LLFA) has raised no objection to the proposal, subject to a drainage condition. Subject to such a condition, the proposal is acceptable and policy compliant in the above regards

Ecology, Biodiversity, HRA and RAMS

- 8.41 The proposal is on a vacant plot of land however it is not considered that it would result in the loss of ecological assets and significant or protected trees, in accordance with Policy DM3 (iv). Details of protection of nearby trees can be secured by condition, as discussed above.
- 8.42 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). Any new residential development has the potential to cause disturbance to European designated sites and therefore development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. This payment has been completed and the proposal is considered to be acceptable and policy compliant in this regard.

Biodiversity Net Gain (BNG)

- 8.43 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 those 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.
- 8.44 This application was submitted on 8th March 2024 and validated on 12th March 2024, and, being a small site, was therefore submitted before the BNG requirements came into effect. As such the application is exempt from BNG requirements.

Community Infrastructure Levy (CIL)

- 8.45 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 application site is located within Zone 1 therefore a CIL rate of £29.31 per sqm is required for the proposed development. The proposed development equates to approximately 75.9sqm of new residential floorspace which may equate to a CIL charge of approximately £2,224.63 (subject to confirmation). Since the development would be for affordable housing the application can apply for a CIL exemption (subject to confirmation).

Equality and Diversity Issues

- 8.46 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 Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 8.47 The proposal would create one new dwelling which would contribute modestly to the Council' housing stock. Additionally in this case the proposal would create an affordable, highly sustainable house designed to exemplify sustainable and energy-efficient housing solutions for public sector, affordable housing as a pioneering pilot. This has been afforded due weight as public benefits of this proposal. For the reasons outlined within the report, the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 1. 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.

- 2. The development shall only be undertaken in accordance with the following approved plans: Site Location Plan EX-00 Rev B, Proposed Site Plan P-00 Rev E, Proposed Landscape Plan P-01 Rev A, Proposed Floor Plans P-10 Rev F, Proposed Roof Plan P-11 Rev C, Proposed Elevation P-21 Rev E, Proposed Street Elevation P-20 Rev B, Proposed Section P-30 Rev D, Existing Street Elevation EX-20, Existing Site Plan EX-01 Rev A and Proposed Drainage Layout H16854-DA D01 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).

- 3. 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 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).

4. 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.

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

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

6. 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).

7. 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 and B.

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).

8. 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 Development Management Document (2015) Policy DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015).

9. The three car parking spaces for the dwellings (two for the dwelling hereby approved and one for No.96 Denton Avenue) as shown on approved plan ref. P-00 Rev E, shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. One car parking space at the dwelling hereby approved shall be fitted with an active electric vehicle charging point prior to its first occupation. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the dwellings.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

10. No drainage infrastructure associated with the development hereby approved shall be installed unless and until full details of surface water attenuation for the site, based on Sustainable Drainage Systems principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The following information must also be submitted to address the drainage requirements of the site:
- a. Details must be submitted to and approved in writing by the Local Planning Authority to show the risks and solutions to address concerns that a 26mm orifice plate is small and prone to blockages under the terms of this condition.
 - b. A maintenance plan for all new drainage and SuDS features must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition.
 - c. Confirmation from Anglian Water must be submitted to demonstrate that the new connection is acceptable and approved in writing by the Local Planning Authority under the terms of this condition.
 - d. Full details of how the system will perform for critical storms for 1:1, 1:30 and 1:100 +45% climate change must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

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

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

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 refuse and recycling storage facilities shall be provided for the future occupiers of the dwelling and made available for use on site in accordance with full details (including elevations) which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved facilities shall thereafter 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. 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 the first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:

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

13. 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. 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).

- 14. Notwithstanding the information submitted with the application, no development shall be undertaken unless and until full details of the tree protection measures for the tree to the rear of the site to be employed during the construction phase of the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.**

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

- 15. 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 use or occupation of the development hereby permitted and shall be retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.**

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

- 16. In the event that contamination is found at any time when carrying out the development, works shall cease and 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).

Positive and Proactive Statement:

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

Informatives:

- 1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.**
- 3. The applicant will be required to apply to highways to carry out the necessary vehicle crossover works to ensure vehicles can park off street.**
- 4. 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.