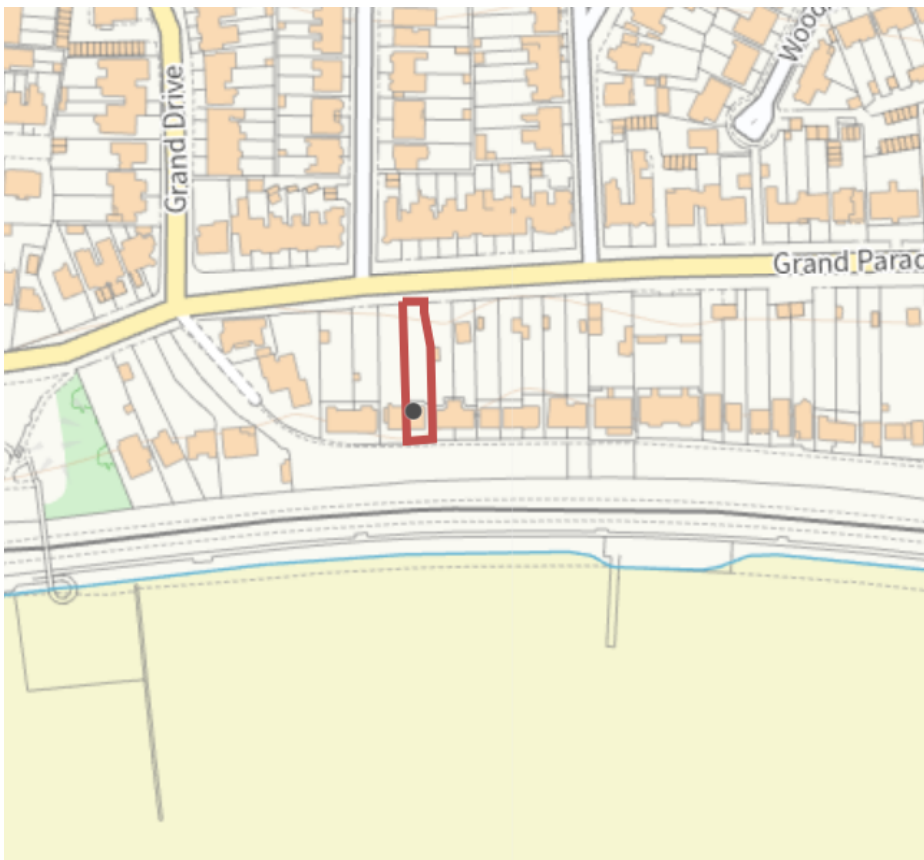


Reference:	24/01390/FULH	
Application Type:	Full Application - Householder	
Ward:	Leigh	
Proposal:	Erect parking platform to rear at street level with wire balustrade and undercroft garden room, form vehicle crossover onto Grand Parade	
Address:	98 Undercliff Gardens, Leigh-on-Sea, Essex	
Applicant:	Mr Martin Adams	
Agent:	Mr Danny Knott of DK Building Designs	
Consultation Expiry:	10th October 2024	
Expiry Date:	13 th December 2024	
Case Officer:	Gabriella Fairley	
Plan Nos:	MA05 Sheet 01 of 02, MA05 Sheet 02 of 02	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1. The site contains a semi-detached dwelling on the north side of Undercliff Gardens, with views over the Thames Estuary. Its rear amenity space fronts Grand Parade. Land levels slope significantly from north to south with dwellings along Undercliff Gardens set much lower than the road allowing for public views of the estuary from Grand Parade. There is a mature street tree to the north of the site along Grand Parade.
- 1.2. There are a number of similar developments along Grand Parade. The area is residential in nature.
- 1.3. The site lies on land subject to an Article 4 direction controlling "The erection, construction, maintenance, improvement of a gate, fence, wall or other means of enclosure". South of the site is the seafront, which is a Site of Special Scientific Interest and a Special Projection Area. Grand Parade falls within a designated seafront character zone. The site is not subject to any other planning policy designation.

2 The Proposal

- 2.1. The application seeks planning permission to erect a parking platform at street level to the north (rear) of the site with a new access from Grand Parade. The platform would be some 6.4m deep and 5.7m wide to allow two vehicles to park. A metal wire balustrade is proposed to its rear and sides. Two (non-protected) fig trees within the rear of the site would be removed.
- 2.2. One 2.4m wide vehicle crossover is proposed onto Grand Parade to allow access onto the parking platform. The crossover would be some 1.4m from the trunk of that street tree.
- 2.3. A 5.7m wide and 6.4m deep garden room is proposed to be created underneath the proposed parking platform, finished in white render. It would have a set of bifold doors to its front (south) elevation and a window to its side.
- 2.4. During the application process, the platform and garden room were reduced from some 7.7m wide to 5.7m wide and an initially proposed glass balustrade replaced with a metal wire balustrade similar to neighbouring properties.

3 Relevant Planning History

- None.

4 Representation Summary

Public Consultation

- 4.1. Thirteen (13) neighbouring properties have been notified and a site notice was displayed. One letter of representation was received, objecting to the proposal. The following comments have been summarised:

Object

- The Undercliff is an area of active landsliding.
- This is a very large, rendered block structure which may risk activating movement. Will affect areas beyond the property.

[Officer Comment - 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]

Society for the Protection of Undercliff Gardens (SPUG)

4.2. No objection

Highways

4.3. No objection understanding that the applicant will be required to apply to highways for the crossover. The crossover is within close proximity of the existing street tree. Should permission be granted, the applicant will be required to apply to highways and request a trial hole to ascertain if tree roots are present which may prevent installation of a vehicle crossover.

Parks

4.4. Object. The proposed crossover is some 1.4m from the centre of the tree stem. This brings the canopy directly over the crossover. It is extremely likely that significant roots will be found in the area of the crossover. If this is found to be the case, then the surface level of the crossover would be at least the present height or more bringing conflict between the canopy and higher vehicles.

5 Procedural matters

5.1. This application is presented to the Development Control Committee because it was called in by Cllr Mulronev.

6 Planning Policy Summary

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

6.2. Planning Practice Guidance (PPG) (2024)

6.3. National Design Guide (NDG) (2021)

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

6.5. Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), DM15 (Sustainable Transport Management)

- 6.6. Southend-on-Sea Design and Townscape Guide (2009)
- 6.7. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.8. Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 6.9. Town and Country Planning Act 1990 (as amended) Section 90A, Schedule 7A (Biodiversity Net Gain – BNG)

7 Appraisal

Principle of Development

- 7.1. The principle of erecting a garden room and parking platform and forming vehicular access to an existing dwelling is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations.

Design and Impact on the Character of the Area

- 7.2. 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.
- 7.3. 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 Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 7.4. Paragraph 131 of the NPPF states *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations and how these will be tested, is essential for achieving this.'*
- 7.5. The site is within Seafront Character Zone 3, subject of Policy DM6 which states that development must, inter alia, continue to protect estuary views from Grand Parade and that development will be considered acceptable where it adds to the overall quality of Undercliff Gardens, Grand Parade, Cliff Parade, The Gardens, Leigh Hill and The Ridgeway, and where it retains the characteristics and form of the area. Development that materially changes the existing character, appearance and form of the area will be resisted.
- 7.6. The character of development at the rear (north) of Undercliff Gardens which is visible at street level along Grand Parade, varies. There are examples of parking platforms along this part of Grand Parade to the rear of Undercliff Gardens dwellings, particularly at Nos. 96, 100, and 102. These developments are historic

and pre-date the current policy framework. The existing parking platforms along this part of Grand Parade are generally modest in size and scale, accommodating one to two vehicles. Some have metal wired balustrading, which allows views through to the estuary. Others have low wooden fencing. There are also some detached garages, set back from Grand Parade.

- 7.7. Public views of the proposed garden room would be very limited from Grand Parade, due to its position in relation to the descending ground level. During the application process, the proposed garden room and parking platform were reduced by some 2m in width. The proposed parking platform would accommodate two vehicles without overhanging the highway. Its southward extent into the site would not significantly erode public views of the estuary. The proposed metal wire balustrading would be in keeping with the existing balustrading along this part of Grand Parade and would not restrict views over the estuary. The proposal therefore is considered not to significantly harm the character and appearance of the site, the streetscene or the area more widely.
- 7.8. There are various other vehicle crossovers along this part of Grand Parade and the proposal would not result in a loss of a planted verge. The principle of introducing a new vehicle crossover is visually acceptable as it would not appear out of keeping with or harmful to the streetscene. Matters relating to the potential physical impact on the street tree can in this instance be dealt with through separate regulatory controls available under highway related legislation. On this basis the proposed crossover would not significantly harm the character and appearance of the site, the streetscene or the area more widely.
- 7.9. It is considered that the design, size, siting and scale of the development proposed are such that it would not significantly harm the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Amenity Impacts

- 7.10. 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.
- 7.11. The proposed garden room and parking platform would sit alongside a 6.4m long section of the shared boundary with No. 96 Undercliff Gardens some 29.6m from No 96's rear elevation. No. 96 has a deep rear garden. No windows are proposed to the eastern flank elevation of the proposed garden room. Taking into consideration the separations involved, the proposed garden room and parking platform would not significantly harm No. 96's amenity in any relevant regards.
- 7.12. The proposal would be some 2.9m from the shared boundary with No. 100 Undercliff Gardens and some 34m from No 100's rear elevation. Taking into consideration the separations involved, the nature of the proposal and the size of

No. 100's rear garden, the proposal would not significantly harm No. 100's amenity in any relevant regards.

- 7.13. All other neighbouring properties are sufficiently removed such that their amenity would not be significantly harmed in any relevant regards.
- 7.14. It is considered that the design, size, siting and scale of the development proposed are such that it would not significantly harm the residential amenities of the site, neighbouring occupiers or wider area in any relevant regard. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Traffic and Transportation Issues

- 7.15. 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'.
- 7.16. Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards. The Southend-on-Sea Vehicle Crossing Policy and Application Guidance dated November 2021 is not an adopted planning policy but is a consideration which is materially and directly relevant to this application and to which due weight should be given in the assessment.
- 7.17. The proposal would be of an adequate size to provide two off-street parking spaces without a vehicle overhanging the highway/footway or obstructing pedestrian access. The proposed crossover, some 2.4m wide, would be some 1.4m from the stem of an existing street tree. Matters relating to the street tree can in this instance be satisfactorily addressed under separate highways powers.
- 7.18. It is considered that the proposal would not significantly harm the parking availability in the area, highway safety or the traffic network. Highways do not object.
- 7.19. The proposal is therefore acceptable and policy compliant in the above regards.

Other matters

- 7.20. It is considered that given the nature and limited size of the proposal, matters of stability and related detailed construction and design can be adequately addressed through the separate regulatory regime of the Building Regulations.
- 7.21. The development equates to less than 100sqm of new floorspace so benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.
- 7.22. This application is exempt from the requirement of Biodiversity Net Gain, as it is a householder application.

Equality and Diversity Issues

7.23. 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

7.24. 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 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development shall only be undertaken in accordance with the following approved plans: MA05 Sheet 01 of 02, MA05 Sheet 02 of 02.

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 details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works and the construction above foundation level, until full details and specifications of the materials to be used in the construction of the development, including, the hardstanding, external walls and balustrades hereby permitted have been submitted to and agreed in writing by the Local Planning Authority pursuant to this condition. Details of the proposed balustrading should be submitted at a scale of 1:20. The development shall be carried out in full accordance with the approved details before it is occupied.

Reason: In the interests of visual amenity to ensure that the development hereby approved does not materially harm public views of the estuary available from Grand Parade. This is set out in the National Planning Policy Framework (2023), Core Strategy (2007), Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM6 and advice contained within the

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

- 04 The garden room hereby approved shall not be occupied at any time other than for purposes incidental to the enjoyment of the residential use of the dwelling known as 98 Undercliff Gardens, Leigh-on-Sea.**

Reason: To protect the amenities of existing and future occupiers and to protect the privacy and environment of people in neighbouring residential properties in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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 granting of this permission does not negate the need for Highways Consent for the permanent vehicular crossing and there is no guarantee that you will automatically be granted Highways Consent for this. Applications for permanent vehicular crossings made under Planning Legislation consider a broader range of criteria in comparison to applications made under Highways legislation. They are separate regimes and different requirements apply to each. You will be expected to demonstrate that formation of the crossover subject of the application for separate application required for highways consent does not prejudice the health of the street tree including its root system.**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.