

Public Document Pack
SOUTHEND-ON-SEA CITY COUNCIL

Development Control Committee

Date: Wednesday, 2nd August, 2023

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Democratic Services Officer

Email: committeesection@southend.gov.uk

AGENDA

1 Apologies for Absence

2 Declarations of Interest

3 Supplementary Report

The supplementary report by the Executive Director (Growth and Housing) will provide additional information (if any) on the items referred to on the Agenda and will be available on the morning of the meeting.

****** Contents List and Introduction**

****** Pre-Site Plans Report**

4 23/00237/FULH - 62 Mount Avenue, Westcliff-on-Sea (Chalkwell Ward)
(Pages 7 - 32)

****** Main Plans Report**

5 23/00758/BC3 - General Market, High Street, Southend-on-Sea (Milton Ward) (Pages 33 - 50)

6 23/00514/BC4 - Eastwood Community Nursery, Len Forge Centre, Eastwoodbury Lane (St Laurence Ward) (Pages 51 - 90)

7 23/00987/OUT - Garages Rear Of 647 To 657, Prince Avenue (St Laurence Ward) (Pages 91 - 118)

8 23/00242/FUL - Land Between 581 - 583 Rayleigh Road (Eastwood Park)
(Pages 119 - 180)

****** Enforcement Report**

9 22/00328/UNAU_B - 141 Inverness Avenue, Westcliff-on-Sea (Westborough Ward) (Pages 181 - 208)

Chair & Members:

Cllr N Ward (Chair), Cllr F Evans (Vice-Chair), Cllr B Beggs, Cllr M Berry, Cllr M Borton, Cllr S Buckley, Cllr A Dear, Cllr M Dent, Cllr N Folkard, Cllr J Harland, Cllr A Jones, Cllr R Longstaff, Cllr C Mulroney, Cllr M Sadza, Cllr C Walker and Cllr R Woodley

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DEVELOPMENT CONTROL COMMITTEE

2nd August 2023

| WARD | APP/REF NO. | ADDRESS | PAGE |
|------|-------------|---------|------|
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Pre Site Plans Report

| | | | |
|------------------|---------------|-------------------------------------|--|
| Chalkwell | 23/00237/FULH | 62 Mount Avenue Westcliff-on-Sea | |
|------------------|---------------|-------------------------------------|--|

Main Plans Report

| | | | |
|----------------------|--------------|---|--|
| Milton | 23/00758/BC3 | General Market High Street Southend-on-Sea | |
| St Laurence | 23/00514/BC4 | Eastwood Community Nursery Len Forge Centre Eastwoodbury Lane | |
| St Laurence | 23/00987/OUT | Garages Rear Of 647 To 657 Prince Avenue | |
| Eastwood Park | 23/00242/FUL | Land Between 581 - 583 Rayleigh Road | |

Enforcement Report

| | | | |
|--------------------|-----------------|--|--|
| Westborough | 22/00328/UNAU_B | 141 Inverness Avenue Westcliff-on-Sea | |
|--------------------|-----------------|--|--|

DEVELOPMENT CONTROL COMMITTEE

INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Executive Director (Growth & Housing), are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the City Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports: -

| | | |
|-------------|---|--|
| CIL | - | Community Infrastructure Levy |
| DAS | - | Design & Access Statement |
| DEFRA | - | Department of Environment, Food and Rural Affairs |
| DPD | - | Development Plan Document |
| EA | - | Environmental Agency |
| EPOA | - | Essex Planning Officer's Association |
| JAAP | - | Southend Airport and Environs Joint Area Action Plan |
| MHCLG | - | Ministry of Housing, Communities and Local Government |
| NDG | - | National Design Guide |
| NDSS | - | Nationally Described Space Standards |
| NPPF | - | National Planning Policy Framework |
| PPG | - | National Planning Practice Guidance |
| RAMS | - | Recreation disturbance Avoidance and Mitigation Strategy |
| SCAAP | - | Southend Central Area Action Plan |
| SPD | - | Supplementary Planning Document |
| SSSI | - | Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites. |
| SPA | - | Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds. |
| Ramsar Site | - | Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds) |

DEVELOPMENT CONTROL COMMITTEE

Background Papers

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and PPG including the NDG
- (vi) NDSS
- (vii) Core Strategy
- (viii) Development Management Document
- (ix) London Southend Airport & Environs JAAP
- (x) SCAAP
- (xi) Design and Townscape Guide
- (xii) Technical Housing Standards Policy Transition Statement
- (xiii) Waste Storage, Collection and Management Guide for New Developments
- (xiv) Essex Coast RAMS SPD
- (xv) CIL Charging Schedule
- (xvi) Southend Electric Vehicles Charging Infrastructure SPD

NB Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

DEVELOPMENT CONTROL COMMITTEE

Use Classes

(Generally in force from 1st September 2020)

| | |
|-------------|---|
| Class B1 | Business |
| Class B2 | General industrial |
| Class B8 | Storage or distribution |
| Class C1 | Hotels |
| Class C2 | Residential institutions |
| Class C2A | Secure residential institutions |
| Class C3 | Dwellinghouses |
| Class C4 | Houses in multiple occupation |
| Class E | Commercial, Business and Service |
| Class F.1 | Learning and non-residential institutions |
| Class F.2 | Local community |
| Sui Generis | A use on its own, for which any change of use will require planning permission. |

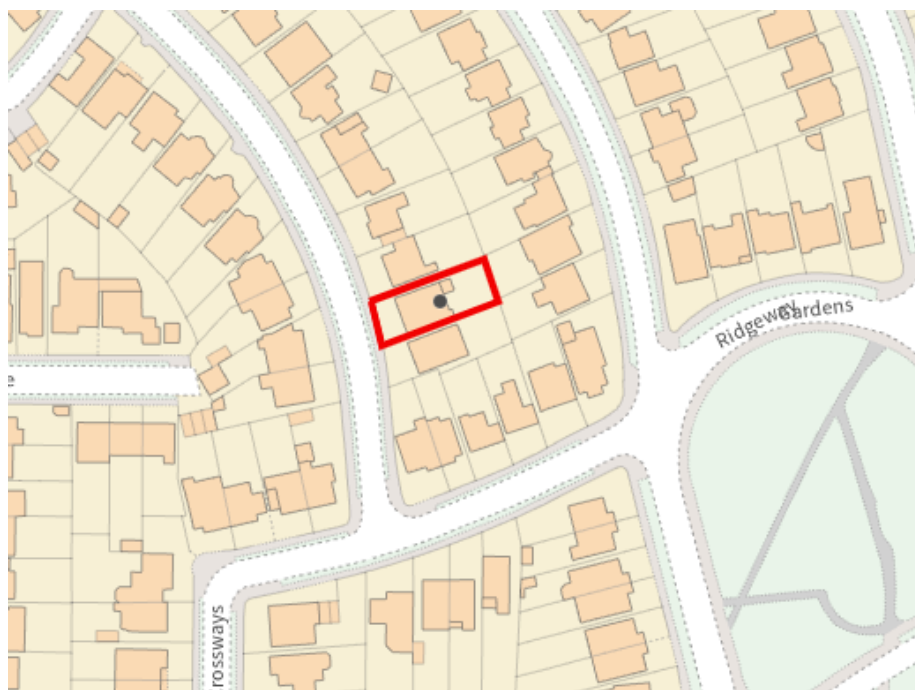
Deleted Use Classes

(Limited effect on applications for prior approval and other permitted development rights until 31st July 2021)

| | |
|----------|-------------------------------------|
| Class A1 | Shops |
| Class A2 | Financial and professional services |
| Class A3 | Restaurants and cafes |
| Class A4 | Drinking establishments |
| Class A5 | Hot food takeaways |
| Class D1 | Non-residential institutions |
| Class D2 | Assembly and leisure |

4

| | |
|------------------------------|--|
| Reference: | 23/00237/FULH |
| Application Type: | Full Application - Householder |
| Ward: | Chalkwell |
| Proposal: | Hipped to gable roof extension to rear and dormers to front and side to form habitable accommodation in the loftspace, part convert integral garage to form habitable accommodation, layout hardstanding and planters and erect front and side boundary walls to frontage, install raised patio to rear and alter elevations |
| Address: | 62 Mount Avenue, Westcliff-on-Sea, Essex, SS0 8PT |
| Applicant: | Ms Jessica Darke |
| Agent: | Mr James Collinson of Design Spec Ltd. |
| Consultation Expiry: | 29th June 2023 |
| Expiry Date: | 4th August 2023 |
| Case Officer: | James Benn |
| Plan Nos: | 3244/11/43 Rev 07 (Location Plan and Block Plan); 3244/11/43 Rev 07 (Existing and Proposed Elevations, Existing and Proposed Floor and Roof Plans, Existing and Proposed 3D) |
| Supporting Documents: | Design Spec: Planning, Design & Access Statement (dated 8th February 2023); Email from agent dated 03.05.2023; Email from agent dated 12.05.2023 |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions |



1 Site and Surroundings

- 1.1 The application site contains a detached, two storey dwelling on the eastern side of Mount Avenue. The site's frontage is a mixture of paving and landscaping with a low brick wall fronting the public footpath. There is a mature street tree close to the north of the site next to the highway.
- 1.2 The area is residential in nature comprising predominantly large, detached two storey dwellings of similar size and scale most of which are traditional in design. There is a detached bungalow immediately south of the site. Front dual-pitched roof projections are common in the immediate streetscene. Many of the dwellings have alterations and extensions including some roof additions. There are some examples of more contemporary architecture having been incorporated in the vicinity of the site.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policy designations. Land levels vary between plots due to local topography.

2 The Proposal

- 2.1 This application was deferred from the 5th July 2023 Development Control Committee for a Member site visit to be undertaken.
- 2.2 Planning permission is sought for a hipped to gable roof extension to the rear and dormers to the front and side to form habitable accommodation in the loftspace, to part convert the existing integral garage to form habitable accommodation, to layout a hardstanding and planters and erect front and side boundary walls to the frontage, to install a raised patio to the rear and to alter the elevations of both the dwelling and garage.
- 2.3 The proposed hipped to gable roof extension to the rear would be continuous with the roof ridge height of the existing dwelling, some 10.6m high, and it would have a rear (gable) window some 0.9m-3.05m high by 4m wide. Four rooflights would be installed in the northern side roof slope and two rooflights would be installed in the southern side roof slope.
- 2.4 The proposed front dormer would have a dual-pitched roof and would be some 2.55m deep, 2.9m high and 4.7m wide. It would have a front (gable) window some 0.95m-2.2m high by 2.5m wide.
- 2.5 The proposed side dormer would have a dual-pitched roof and would be some 2.8m deep, 3m high and 2.9m wide. It would have a side facing window.
- 2.6 The existing garage has an irregular flat roof which gently slopes up to the front and it would be amended to a flat roof with a rooflight which would adjoin to the flat roof of the existing side extension to the rear to form a continuous roof and would be some 3.9m high. There would be a roof canopy to the rear of it which would project some 1.2m deep. The garage conversion would provide a storage room, a study room and a seating area. It would retain a garage door in the front elevation. A ground floor side window would be installed.
- 2.7 The hipped roof of the existing ground floor front bay projection would be amended to a flat roof.
- 2.8 The flat roof of the existing rear extension which is some 3.75m high would be altered to a dual-pitched roof a maximum of some 4.5m high and the rectangular window in the rear elevation of the extension would be enlarged to form a (gable) window. The existing windows in the southern flank elevation of the extension would be replaced with full-length glazing.

- 2.9 The other alterations to the elevations consist of relatively minor alterations to the dwelling's existing fenestration.
- 2.10 The proposal would have white external walls, brown roof tiles and grey/black fenestration.
- 2.11 The paved hardstanding proposed to the front would be some 5.8m-6.6m deep by 11.3m wide. The northern side boundary wall proposed would be some 1m high, 0.45m deep and 5.9m wide and would have planting in the top. It would link to the front boundary wall which would be some 1m high, 0.55m-0.8m deep and 6.8m wide and which would also have planting in the top. The southern side boundary wall proposed would be some 0.8m high. A small planter is also proposed to the front of the dwelling's front bay projection. The walls and planter would be finished in white.
- 2.12 The paved raised patio proposed to the rear would infill the area between the flank wall of the existing rear extension and the rear walls of the existing garage and main dwelling. It would be set up to the southern side boundary and would be some 3m deep by 6.4m wide and 1m high above ground level. It would have raised planters to the rear.
- 2.13 Amended plans were submitted during the course of the application. The amendments included reducing the height of the rear facing hip to gable window, proposing more landscaping in the frontage, removing a proposed vehicle crossover for access to an in/out driveway, proposing additional rooflights, and proposing a roof canopy to the rear of the side extension.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Parks

- 4.1 No objections raised.

Highways

- 4.2 No objections raised.

Public Consultation

- 4.3 Eight (8) neighbouring properties were notified of the application by letter. Six (6) letters of representation have been received from three (3) addresses. Summary of comments:
- Residential amenity concerns including overlooking and loss of privacy to rear gardens and habitable rooms and dominant, overbearing and intrusive development.
 - The small gardens in this part of Mount Avenue and Hillway exacerbate the sense of enclosure.
 - Out of character with development in the area.
 - The similar schemes identified in the Design, Access & Planning Statement are not comparable to the current proposal.
 - The Design, Access & Planning Statement contains a road error in a similar scheme identified.
 - A similar proposal at 33 Hillway was refused planning permission (ref. 22/01382/FULH) and then approved (22/02154/FULH) following the removal of a large gabled roof enlargement which was amended to a rear dormer.
 - Regrettable that the new residents wish to seek to enlarge an already extended house.

[Officer comment: The refused application at 33 Hillway (ref. 22/01382/FULH) was materially different in that it included a hipped to half-hipped roof extension to the sides such that it was found, on its individual merits, to be incongruous, bulky and excessively dominant. All relevant planning considerations have been assessed within the appraisal section of the report. The concerns within the representations 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.]

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).
- 5.5 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal

Principle of Development

- 6.1 The principle of altering and extending 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

- 6.2 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.
- 6.3 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.
- 6.4 The surrounding area is predominantly characterised by large two storey, detached dwellings of similar size and scale most of which are traditional in design. There are some examples of more contemporary architecture having been incorporated into extended and/ or remodelled dwellings in the vicinity of the site. The hipped to gable roof enlargement to the rear continues the roof of the existing dwelling as it is set at a similar roof ridge height. This form is not wholly subservient but due to its siting to the rear, public views would be limited to glimpses through built form from the south. It is considered to integrate sufficiently with the host dwelling and is acceptable in design terms.

- 6.5 Front dual-pitched roof projections are found in the immediate streetscene along Mount Avenue. The form and scale of the proposed dual-pitched roofed front dormer would reflect these elements and with a contemporary appearance due to the distinctive shape of its front (gable) window. This and the similar feature window in the new rear gable would transform the character and appearance of the dwelling but in manner which staff consider to be cohesive and suitably resolved. Provided the character and appearance of a streetscene and wider surroundings is not harmed, national planning guidance would not discourage the identity of non-protected buildings such as this being given a different architectural style including a contemporary theme. In this instance there are no designations offering specific protection for the current traditional style and form of the dwelling. Dwellings in this southern part of Mount Avenue are distinctively traditional in appearance but more widely there are some limited contemporary references and design cues within the vicinity including entire dwelling remodelling. Attaching weight to the variety of architecture within the broader vicinity it is not considered that this enlarged and contemporarily-remodelled dwelling would be significantly out of place or significantly harmful in this context. Although limited, if any, examples of side dormers are found in the immediate streetscene, the proposed side dormer is set sufficiently within the side roof slope to appear incidental and subservient and is acceptable on its merits in design terms.
- 6.6 The existing garage roof is a weak feature in the streetscene as it is set below the flat roof of the existing side extension to the rear which is visible in the streetscene. The proposal would increase the height of the garage to a similar height as the existing side extension to form a continuous flat roof. This is considered to give the garage, and the dwelling overall, a more cohesive appearance and is therefore considered to be acceptable in design terms.
- 6.7 The proposed alteration to the existing hipped roof of the ground floor front bay projection to a flat roof would integrate satisfactorily with the proposal's contemporary appearance overall. It is therefore considered acceptable in design terms.
- 6.8 The proposed paved hardstanding would create a strong contemporary appearance to the dwelling's setting. This would contrast with the currently intact and largely enclosed traditional front garden. Nevertheless no significant harm is identified and it would be generally consistent in appearance with examples of other such frontages elsewhere in this road. In terms of landscaping, the planters in the frontage provide some limited soft landscaping. During the course of the application amendments were made to the proposed landscaping and two additional planters have been added to the frontage which soften the frontage's appearance to a reasonable extent. Overall, the paved hardstanding is considered to be acceptable in design terms subject to a condition requiring it to be permeable.
- 6.9 The proposed side boundary walls to the frontage, one of which would provide soft landscaping, are relatively minor additions and they are limited in height to a maximum of some 1m. They are considered acceptable in design terms.
- 6.10 The other alterations, noting the dual-pitched roof alteration to the existing rear extension, the raised patio to the rear which includes some soft landscaping, the modest alterations to the existing fenestration and the modestly sized rooflights are considered acceptable in nature and in design terms.
- 6.11 Overall, and acknowledging that the proposal is intended to give the dwelling a cohesive, contemporary appearance, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in the above regards.

Amenity Impacts

- 6.12 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.
- 6.13 The proposed hipped to gable and front and side dormer extensions would be situated within the footprint of the existing building and it is considered that their built form would not significantly harm to neighbouring occupiers' amenity in any relevant regards. The proposed side dormer window serves a staircase and a condition is recommended for this window to be obscure glazed with limited openings to prevent the potential for any significantly harmful overlooking or loss of privacy to neighbouring occupiers.
- 6.14 The proposed rear facing hip to gable window is relatively large in proportions. In response to third party objections amended plans have been submitted during the course of the application reducing its height. It would look out into the site's rear garden which is some 12m deep to the rear boundary. The rear walls of the neighbouring dwellings to the rear of the site in Hillway are separated from the rear wall of the application dwelling by at least some 23m which is considered to be an acceptable relationship. The rear boundary and side boundaries of rear gardens in the immediate rear garden scene are characterised by having tall vegetation, some of which is significantly above average fence height of some 1.8m, which provides some screening between neighbouring rear gardens. Limited weight can be attached to this factor, nevertheless the relationship of the hip to gable window to neighbours' rear garden privacy is considered to be acceptable in its own right. Similarly, noting that the rear garden scene is already open to overlooking from various dwellings' first floor windows it is not considered that any increased potential for overlooking or loss of privacy for the development to the rear gardens or elevations of the flank neighbouring dwellings would be significantly harmful in this context.
- 6.15 The neighbouring dwelling to the south, No.64 Mount Avenue, is set at a lower ground level and has its entrance door in its northern flank wall facing the application site. The proposed raised patio set up to the southern shared boundary, due to its height of some 1m, could provide potential for harmful overlooking and loss of privacy to No.64's rear garden and rear ground floor windows which serve a habitable room. However, it is relatively modest in depth and width in terms of being used for external amenity and there is existing boundary treatment consisting of a fence with a trellis and foliage (the latter to have no material weight attached in the assessment) some 2m high which provides screening to some extent to prevent significant harm to the occupiers of No.64 having regard to overlooking and loss of privacy. It is not considered that the relatively modest alterations to the existing garage which is set up to the shared boundary, consisting of the increase in its height and the proposed flank window, would significantly harm the amenity of the occupiers of No.64 in any relevant regards due to No.64's flank windows being secondary in nature or serving non-habitable rooms and as No.64's flank wall is separated from the existing garage's flank wall by some 1.7m. Overall it is not considered that the proposal would cause significant harm to the amenity of the occupiers of No.64 Mount Avenue in any relevant regards.
- 6.16 The existing rear extension is set some 1.5m from the shared boundary to the north with No.60 Mount Avenue and the proposed dual-pitched roof alteration to its flat roof would increase its maximum height from 3.75m to 4.5m. No.60 contains several windows in its southern flank elevation none of which have been identified as primary habitable room windows. Noting the separation distance, and the roof form which slopes down to an eaves height of some 3.6m towards the shared boundary, it is not considered that the proposal,

would significantly harm the amenity of the occupiers of No.60 in any relevant regards.

- 6.17 The proposed rooflights due to their siting and relatively modest size are considered acceptable in nature in terms of their amenity impacts on neighbouring occupiers.
- 6.18 Remaining alterations to the elevations, are relatively minor with no identified harm to amenity in any relevant regards.
- 6.19 The proposed hardstanding, front and side boundary walls and planters in the frontage cause no identified harm to amenity in any relevant regards.
- 6.20 All other dwellings are sufficiently removed from the proposal to prevent any significant harm in any relevant amenity regards.
- 6.21 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in these respects.

Highways

- 6.22 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards. A provision of a minimum of two off-street parking spaces is required for a 2+ bedroom dwelling.
- 6.23 The proposed garage does not meet the Council's minimum dimensions of 7m by 3m to be considered as a useable parking space. Two off-street parking spaces are proposed on the frontage which is a net increase of one parking space. The Council's Highways team have raised no objections. Therefore, the proposal would not have a harmful impact on parking or highway safety and is acceptable and policy compliant in highways terms.

CIL

- 6.24 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Equality and Diversity Issues

- 6.25 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 6.26 This proposal is intended to give the dwelling a cohesive, contemporary appearance. 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.

7 Recommendation

7.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development shall only be undertaken in accordance with the following approved plans: 3244/11/43 Rev 07 (Location Plan and Block Plan); 3244/11/43 Rev 07 (Existing and Proposed Elevations, Existing and Proposed Floor and Roof Plans, Existing and Proposed 3D).**

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 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.**

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).

- 04 The south side dormer window 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 1.7m above internal finished floor level of the internal area served prior to the first use or occupation of the development hereby permitted and 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).

- 05 The flat roofs 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 express planning permission being granted by the Local Planning Authority. The roofs 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).

- 06 Prior to its first use, the hardstanding to the front, hereby approved, shall be finished in permeable materials only and maintained as such for the life of the development.**

Reason: To reduce the cumulative impact of development on the natural environment

and infrastructure in accordance with Policy KP2 of the Core Strategy (2007).

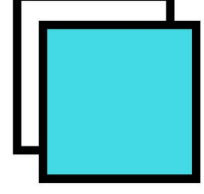
Informatives

- 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.**

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.

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PROJECT
62 Mount Avenue, Westcliff-on-Sea,
Essex SSO 8PS

CLIENT
Jessica Darke

DATE
January 2023

SCALE
As
indicated

DRAWN BY
KG

PROJECT NO.
3244/1/43

REVISION
07

Site 1C, Varen House, 10-20 Min Road, Hockley, Essex SSO 4QS

Company Number 0203954 Design Spec Ltd 0370 967 865
VAT Number 270454958 Fixed Fee Architecture info@designspec.co.uk

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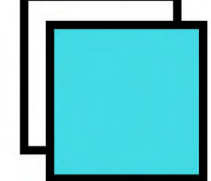
Location Plan
1:1250

Low Level Flower Beds to be installed.
Planting to be implemented in and around
newly proposed flower beds to soften landscape
as per floor plans and elevations



Block Plan
1:500

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Design Spec

Fixed Fee Architecture

PROJECT
62 Mount Avenue, Westcliff-on-Sea,
Essex SSO 8PS

CLIENT
Jessica Darke

DATE
January 2023

SCALE
1:100

DRAWN BY
KG

PROJECT NO.
3244/1/43

REVISION
07

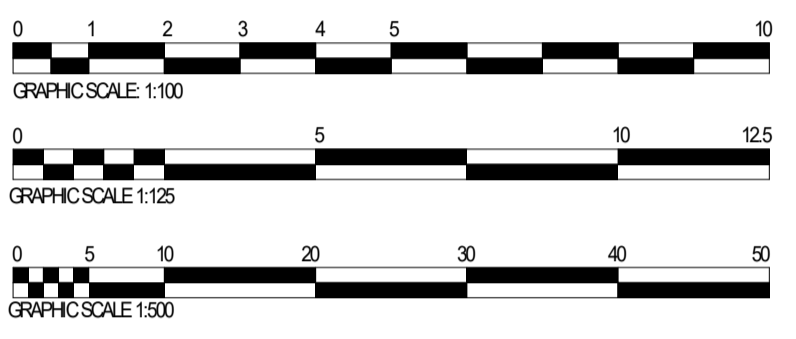
Site: 62, Vane House, 10-20 Min Road, Hockley, Essex SSO 4QS

Company Number: 0208954
VAT Number: 270454954

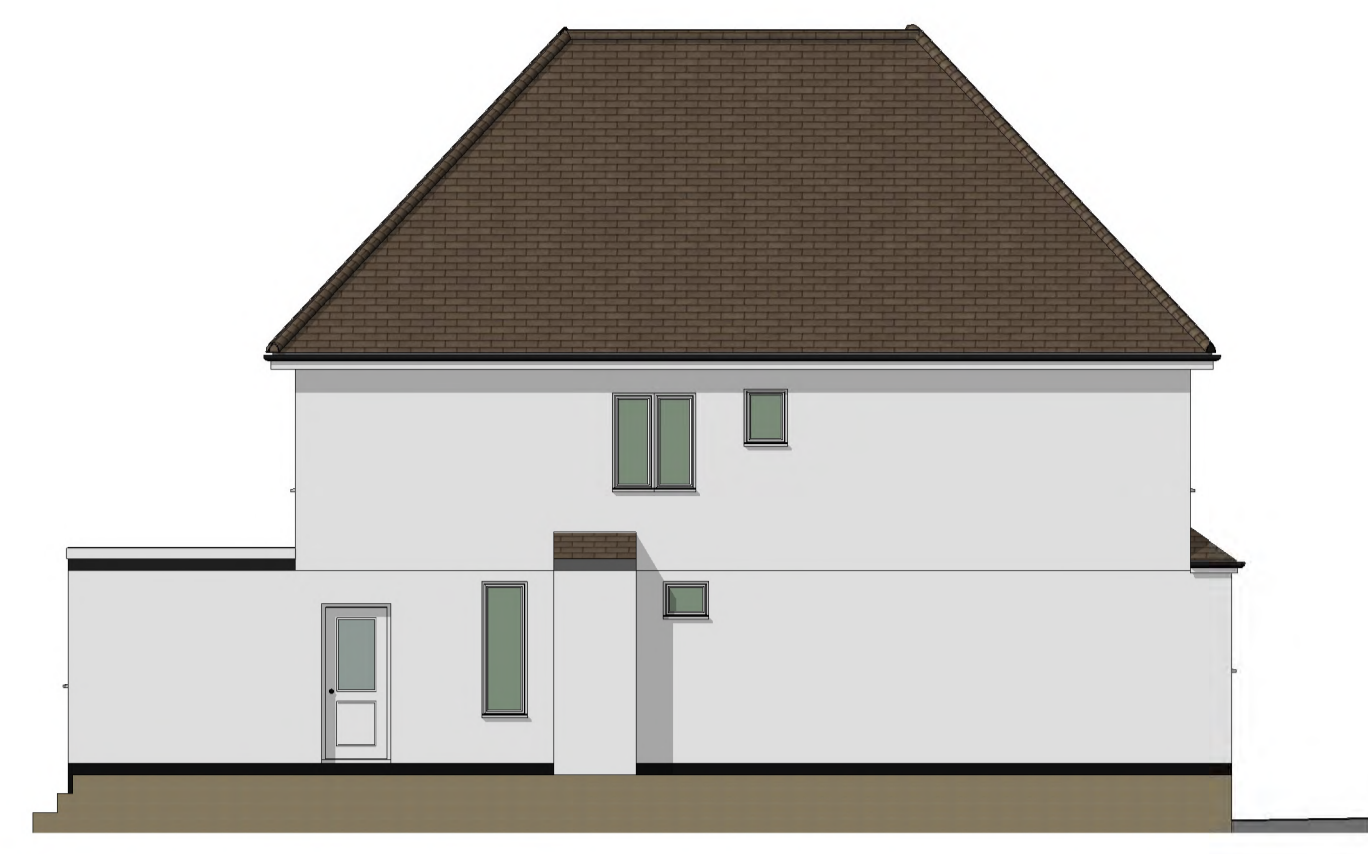
Design Spec Ltd
Fixed Fee Architecture

0202 967 865
info@designspec.co.uk

All dimensions and/or load bearing walls to be checked & agreed on site by contractor prior to commencement of works & ordering of materials. Any discrepancies to be reported to Design Spec Ltd. prior to commencement of works. Design Spec Ltd. will accept no responsibility for works commenced on site prior to building control.



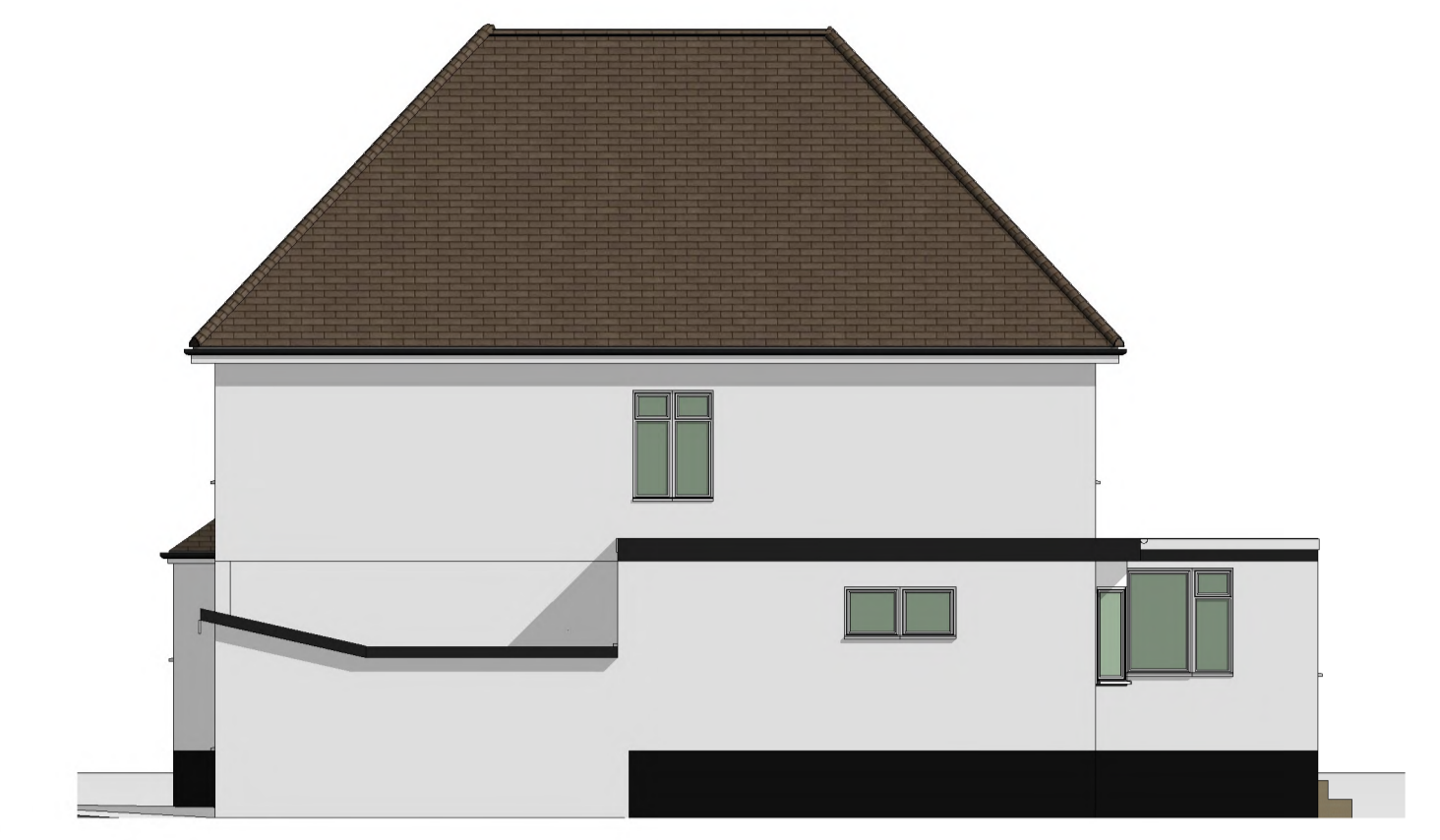
Existing Front Elevation
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Existing Left Side Elevation
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Existing Rear Elevation
1:100



Existing Right Side Elevation
1:100



Proposed Front Elevation
1:100



Proposed Left Side Elevation
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Proposed Rear Elevation
1:100



Proposed Right Side Elevation
1:100



Existing 3D Front



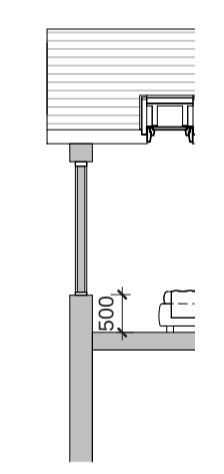
Proposed 3D Front



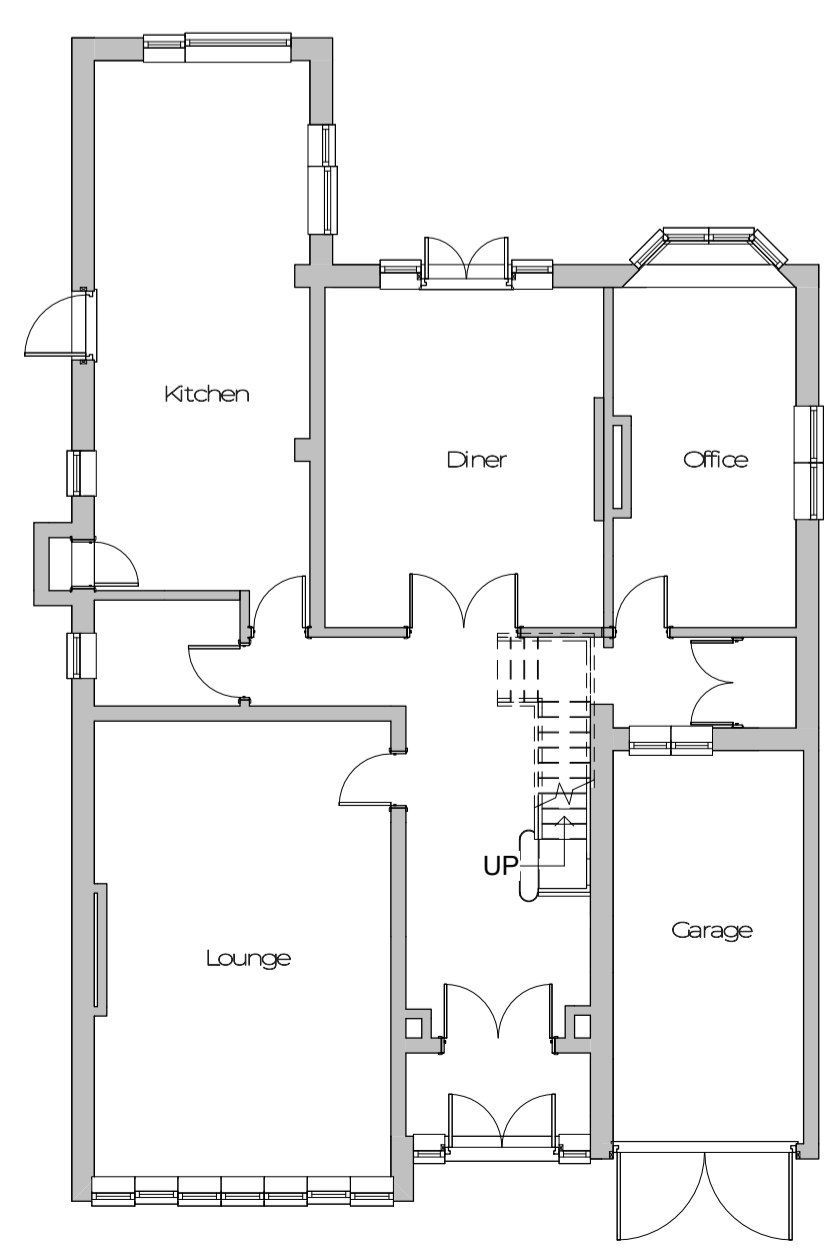
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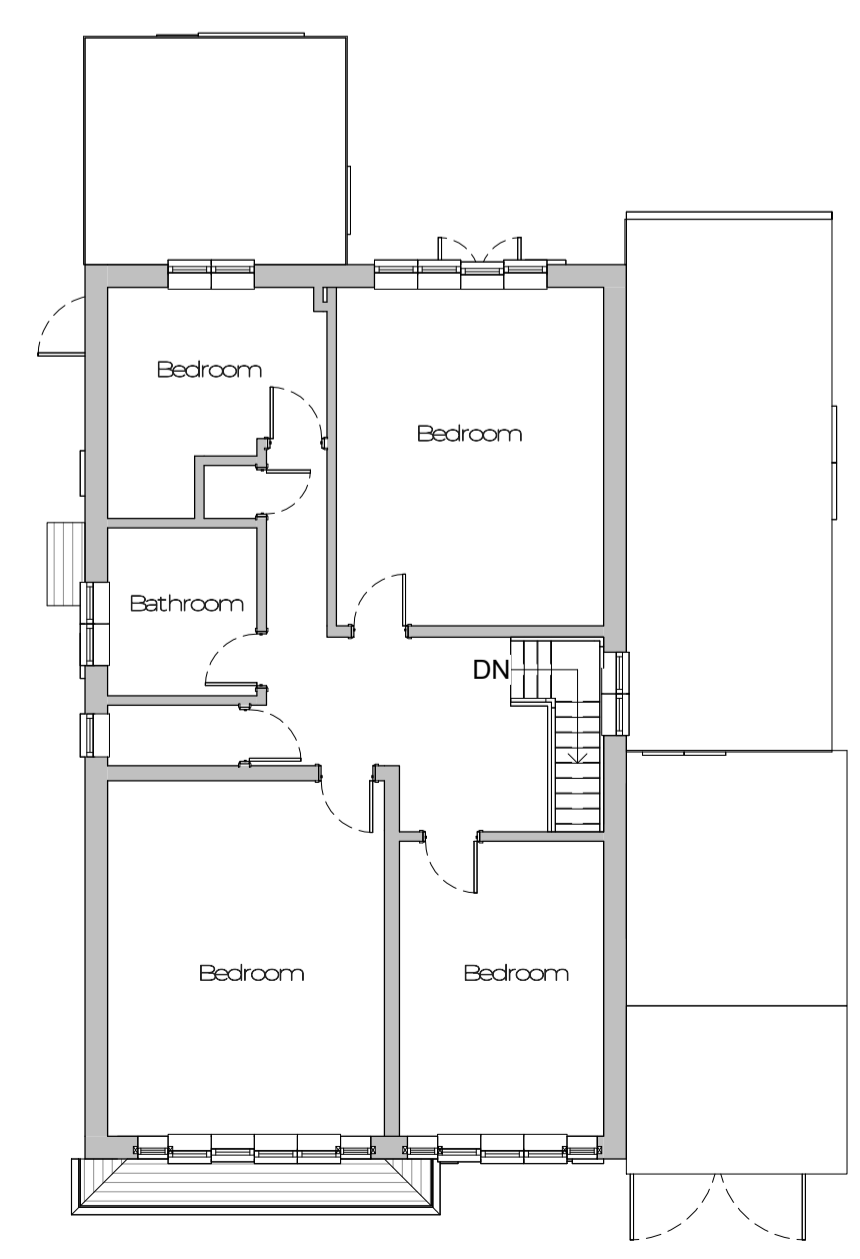
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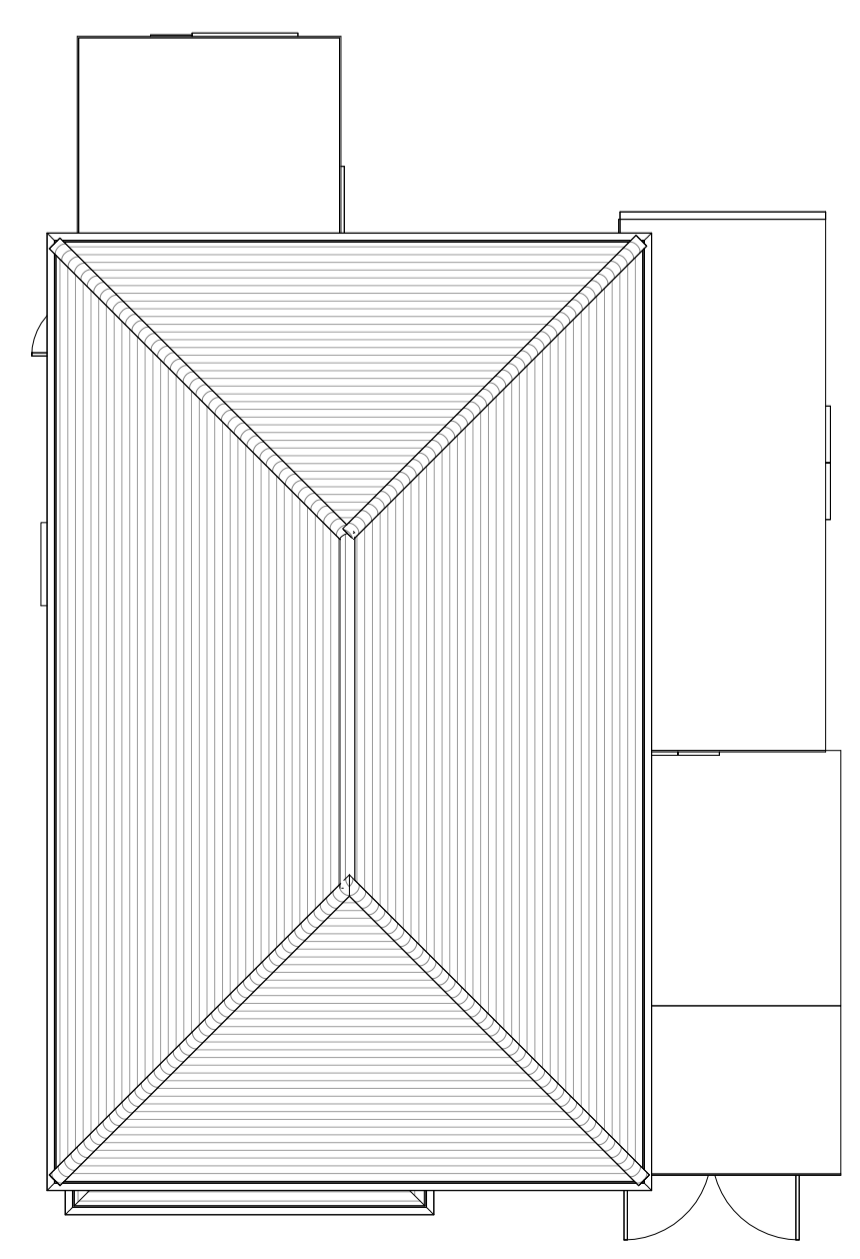
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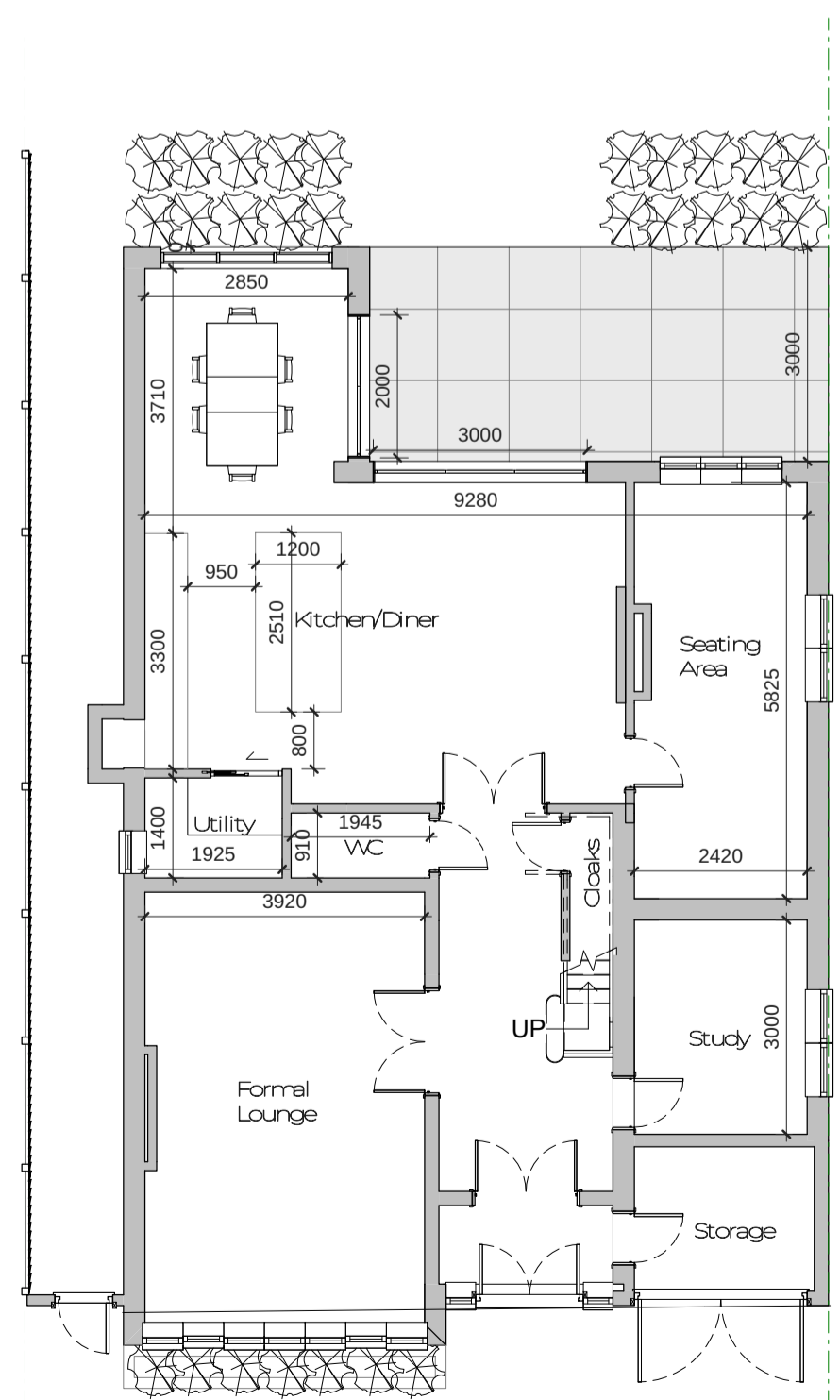
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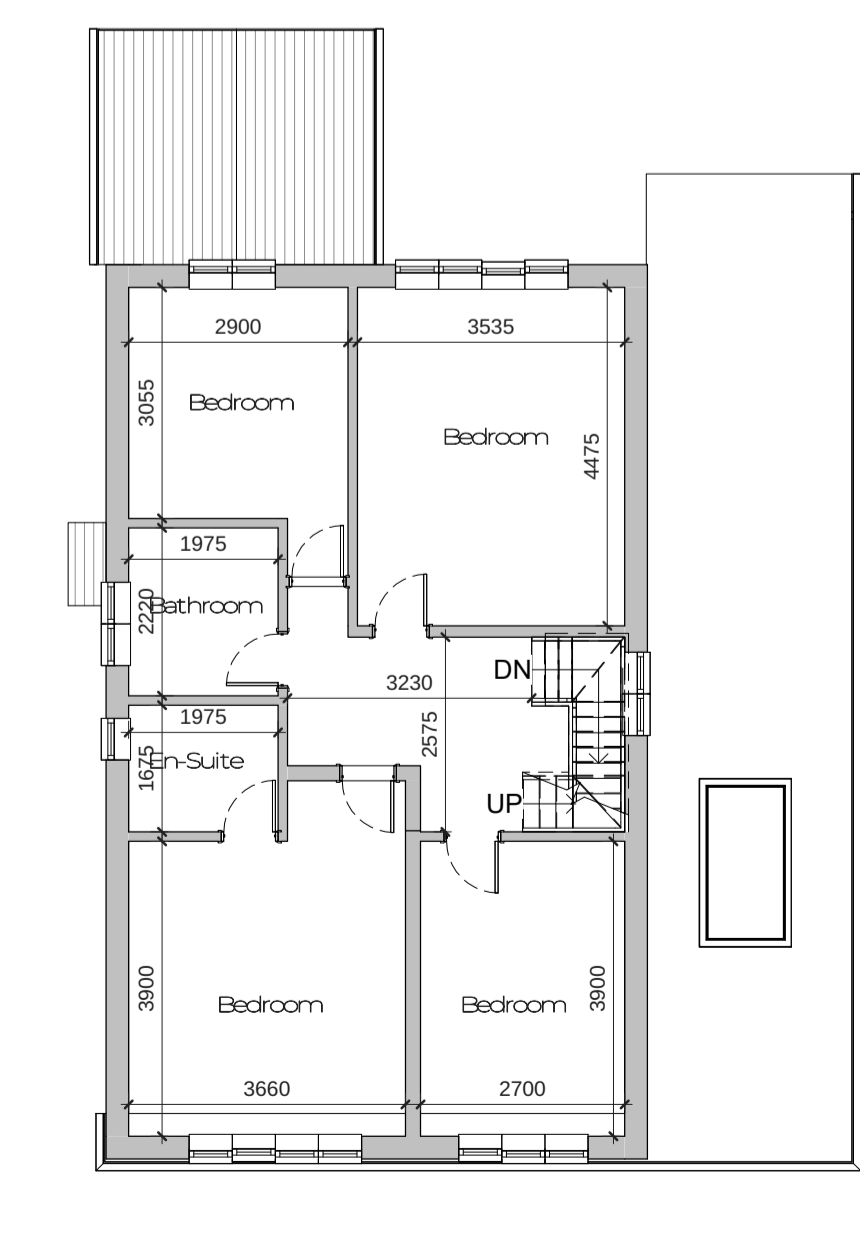
Existing First Floor
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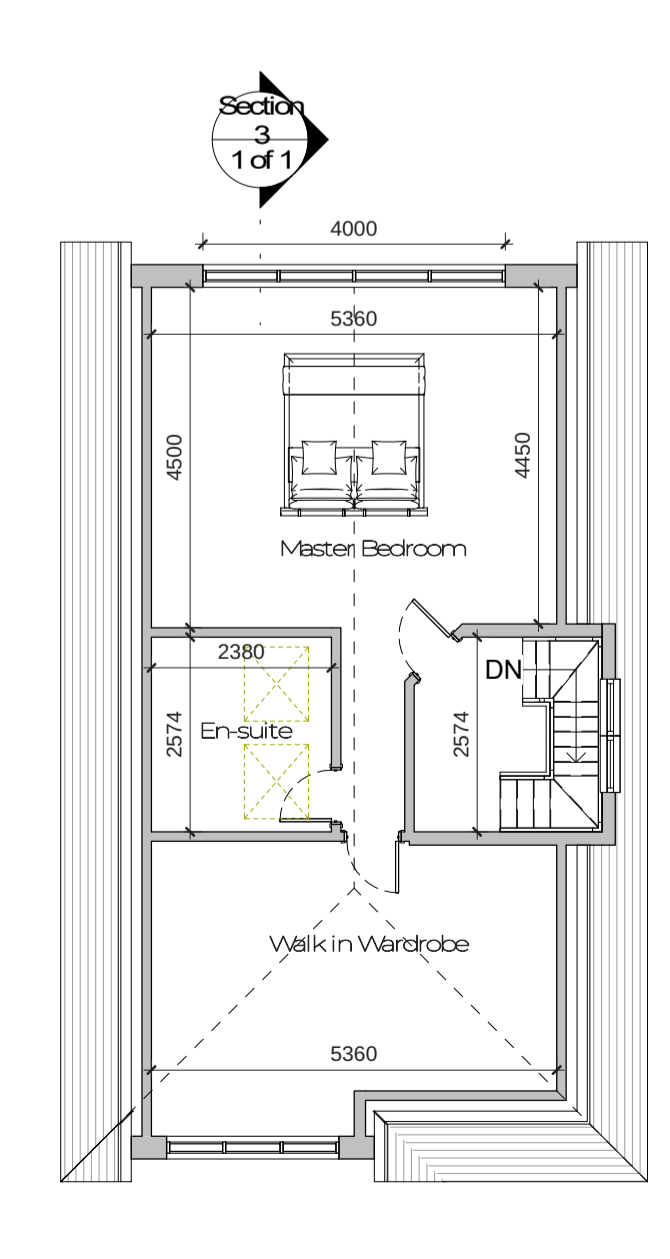
Existing Roof Plan
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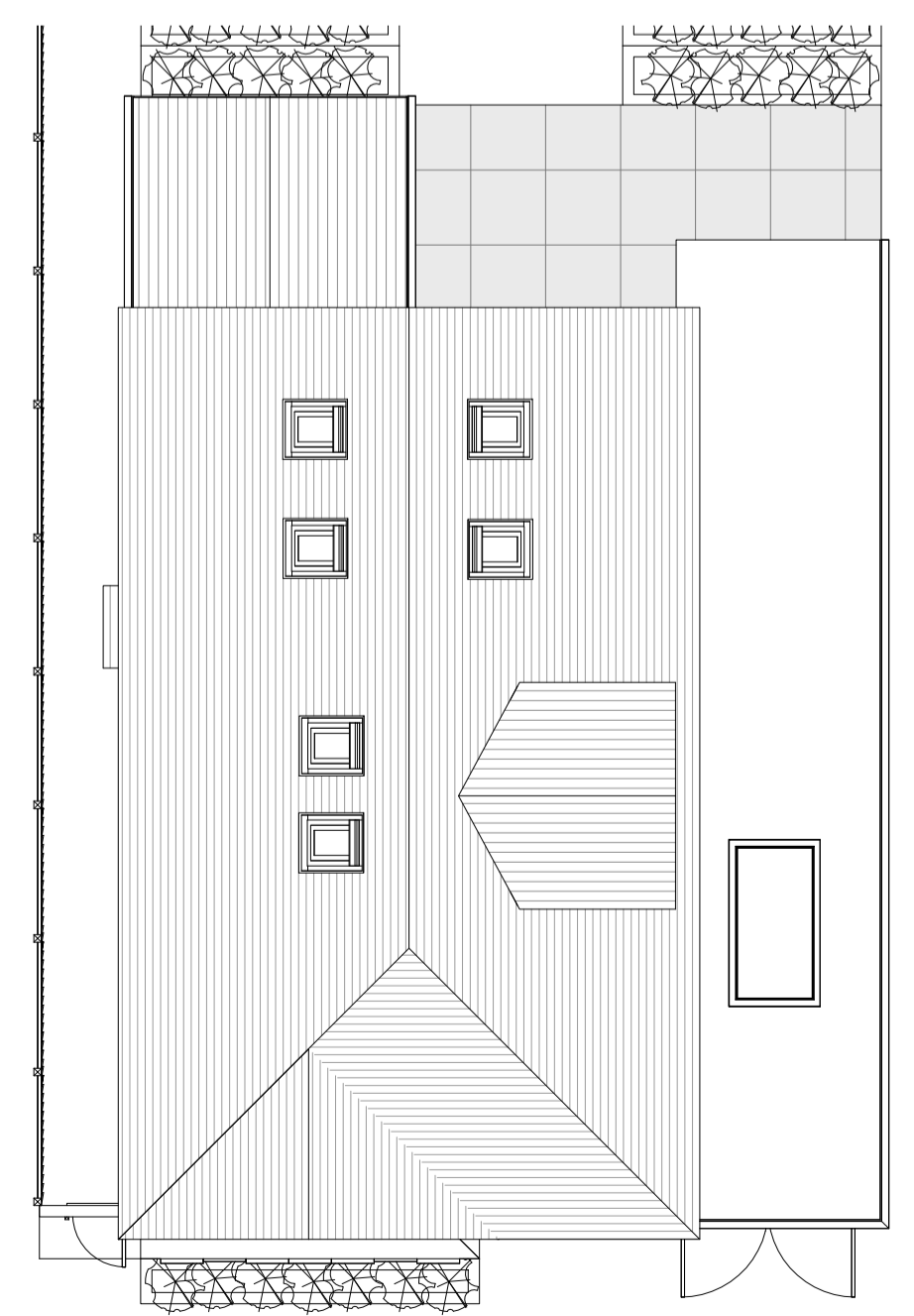
Proposed Ground Floor
1:100



Proposed First Floor
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Left Section
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Proposed Roof Plan
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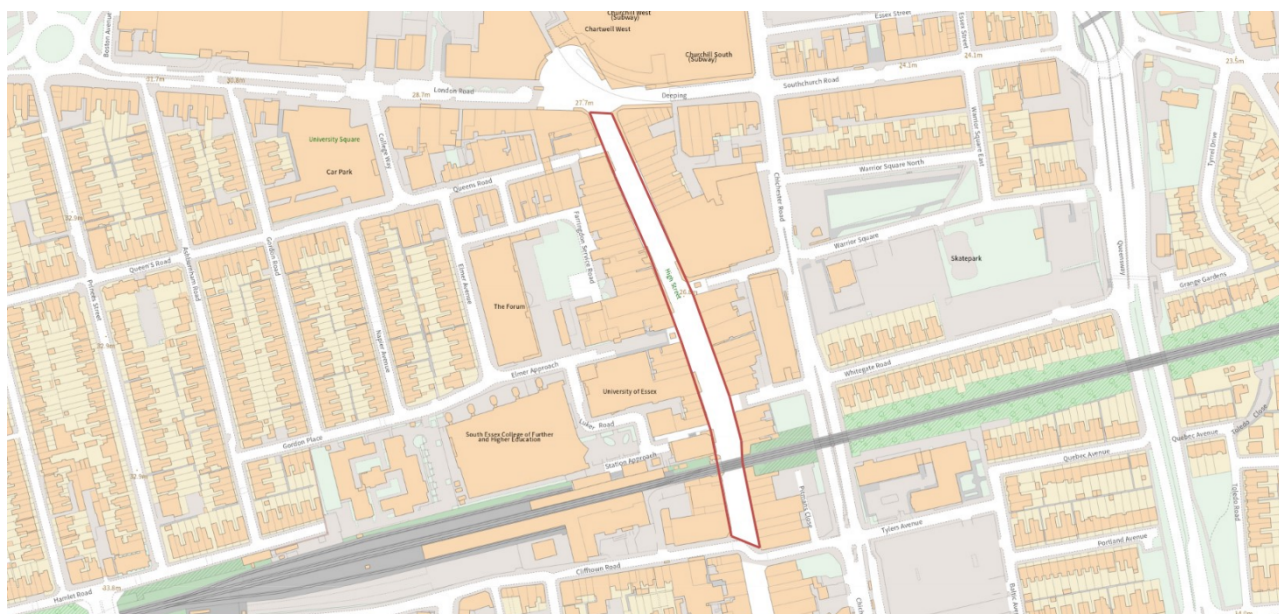






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| | | |
|--------------------------------|---|------------|
| Reference: | 23/00758/BC3 | <h1>5</h1> |
| Application Type: | Full Application | |
| Ward: | Milton | |
| Proposal: | Use part of highway from Victoria Circus to junction of Clifftown Road/High Street as weekly general market | |
| Address: | General Market, High Street, Southend-on-Sea, Essex | |
| Applicant: | Mr Chris Cooke on behalf of Southend-on-Sea City Council | |
| Agent: | N/A | |
| Consultation Expiry: | 29.06.2023 | |
| Expiry Date: | 04.08.2023 | |
| Case Officer: | Oliver Hart | |
| Plan Nos: | Location Plan; Market Layout Area Plan (Rev A) | |
| Supporting information: | Use of Stalls (rules & regulations) | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site relates to a stretch of Southend High Street extending from its junction with Clifftown Road/Tylers Avenue, to its junction with Victoria Circus.
- 1.2 The site is within the Town Centre Primary Shopping Frontage as defined by the Development Management Document's Proposal Map and the Southend Central Area Action Plan (SCAAP). There are a variety of neighbouring commercial premises reflecting the site's Town Centre location which have typical high street functions which include retail shops, takeaways, some financial and professional uses and some upper floor residential. The site is within the High Street Policy Area of the SCAAP. The site is adjacent to a number of areas of Frontage of Townscape Merit on the eastern side of High Street, at No's 148-162 High Street, 134-146 High Street and 108-124 High Street. The site is also adjacent to some Listed and Locally Listed Buildings; 130 High Street (Grade II Listed) and 143 High Street (Locally Listed).
- 1.3 At present, a market operates within the site area every Thursday and every second and fourth Saturday of each month. The market has planning permission for Thursdays (ref.13/01126/BC3), but there is no record of a planning permission for Saturday operation.

2 The Proposal

- 2.1 Planning permission is sought to increase the number of days the market will operate in the High Street, from every Thursday at present, to every Thursday, Saturday and Bank Holiday.
- 2.2 The increased frequency of operation will continue in accordance with the existing set of rules and regulations that govern the market and which all traders must sign up to and adhere to prior to trading under separate provisions implemented and enforced under the Council's Regulatory Services. These are outlined in the accompanying supporting document "Use of Stalls" and included below solely for information purposes as they are subject of separate regulatory regimes. The most relevant elements to assist an understanding and assessment of this planning application's impacts include:
 - Traders will be allocated a pitch or pitches each measuring 3 metres by 3 metres (area of land on the highway in a designated position) and must provide their own stalls and covers/gazebos which must be of good standard, inflammable, properly anchored and with no overhead projections. Stall covers are required not solely for traders' own protection from weather, but for the market's "neat and tidy" aesthetic, where boundaries are clearly displayed.
 - Traders' stalls will be allocated a pitch by the Appointed Grounds Person(s) within the designated market space, and in accordance with their judgement on where stalls are best accommodated. The designated market space is defined as being Southend High Street from its junction with Southchurch & London Roads, to its junction with Clifftown Road. Stalls must only be moved where agreed by the Council, which may also be at their request where an event, utility work or emergency occurs.
 - A trader selling food products shall comply with the Food Hygiene Legislation or any other statutory legislation or re-enactment thereof from time-to-time in force.
 - Traders are permitted to sell food cooked on site, however, at application stage the details of trade will be subject to approval by Southend BID.
 - All food traders shall comply with the guidance provided by Regulatory Services for

Mobile Units at Markets and Special Events.

- Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Council when such is required in connection with the traders business and the bringing of such equipment on to the open market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of sound or pictures or copyright or otherwise.
- The decibel (noise) level of such will be entirely at the discretion of the Council.
- Traders' stalls must be covered by good quality canvas type material.
- Traders must not block pedestrian access on the High Street and must at all times keep the emergency access lane free.
- All privately owned stalls, vehicles or stands on the open market must be constructed to a high specification acceptable to the Council and must be inflammable and kept in a good state of repair, totally at the expense of the trader. All equipment, including stalls, must be properly anchored.

2.3 A full copy of the "Use of Stalls" document is included for information at Appendix 1 to this report.

2.4 The market is supervised and administrated by the Council's City Centre & Markets Manager with the assistance of a nominated grounds person (trader) and the wider High Street Network including CCTV, Community Safety and Southend BID Street Ranger teams. The Council's City Centre & Markets Manager also seeks advice from Food Safety and Trading Officers where applicable.

2.5 As detailed above, all stalls are required to be covered, such as by a gazebo or frame and these structures are temporary, with traders erecting and removing stalls at the beginning and end of each market day.

2.6 A minimum of 1.5m would be maintained from shop fronts to allow normal business operation and the passing of the public. Stalls are required to be positioned in such a way as to not block door access or view of shop displays. Operational hours between 8.30am and 5.30pm are proposed. A central portion of the carriageway would be left between the stalls to allow passing pedestrians and vehicles, including emergency vehicles. Where street furniture exists, stalls are not placed at locations where the combination of the street furniture and the stalls would lead to an obstruction of emergency vehicles (up to full size fire appliances).

2.7 The application is presented to Development Control Committee as the Council is the applicant and an objection has been received.

3 Relevant Planning History

3.1 13/01128/BC3 - Use part of highway from Victoria Circus to junction of Clifftown Road/High Street as weekly general market- Granted.

4 Representation Summary

Public Consultation

4.1 167no. neighbouring properties were consulted by letter and three site notices were displayed. A representation from one interested party has been received which is summarised below.

- Happy for a weekly market to open in area suggested but have concerns about market traders being situated close to shopfronts.
- Impacts on passing trade.
- Loss of views into shopfront windows at goods rendered.
- Resulting in loss of trade.

Officer Comment: The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representation have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the specific circumstances of this case. The Application Form states that a minimum of 1.5m will be maintained from shop fronts to allow normal operation and the passing of the public. Stalls are required under separately enforced legislation to be positioned in such a way as not to block door access or view of shop displays.

Environmental Health

- 4.2 No objections subject to conditions restricting hours of operation, noise and odours.

Highways

- 4.3 No objections.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 National Design Guide (2021) and Planning Practise Guidance (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM13 (Shopping Frontage Management outside the Town Centre) and Policy DM15 (Sustainable Transport Management)
- 5.5 Southend Central Area Action Plan (2018) (SCAAP) Policies DS1 (A Prosperous Retail Centre) DS5 (Transport, Access and Public Realm) PA1 (High Street Policy Area Development Principles)
- 5.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8 Southend-on-Sea Waste Management Plan for New Development (2019)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area and the impact on designated and non-designated heritage assets, impacts on neighbours' residential amenity, waste, traffic and transportation matters, equality and diversity considerations and CIL.

7 Appraisal

Principle of Development

- 7.1 Paragraph 86 of the NPPF states “Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should...(c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones...”
- 7.2 Policy DS1 of the SCAAP, paragraph 8 states that ‘the Council will seek to maintain and enhance ‘street market’ provision within the Town Centre Primary Shopping Area and will work with the private sector to promote the establishment of a new well designed street market within the pedestrianised London Road Policy Area. Proposals for street market development elsewhere within the Town Centre Primary Shopping Area will be considered on their merits.’
- 7.3 Policy CP2 states “Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people...” Policy DM13 of the Development Management Document states that Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.
- 7.4 The proposal is to increase the frequency of the current market operation to every Thursday, Saturday and Bank Holiday. Provisions have been made to protect the shop frontages of the commercial units, including a minimum of 1.5m to be maintained between stalls and the shop fronts to allow normal operation and the passing of the public, as well as the set up of stalls to be positioned in such a way as to not block door access or views of shop displays. Moreover, it is considered the provision of a more frequent Market will act as a driver for visitors to the High Street and Town Centre generally, enhancing its vitality and enabling and encouraging linked trips.
- 7.5 On this basis, the proposal which would support the vitality and economy of High Street and the Town Centre is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations assessed below.

Design and Impact on the Character of the Area and impact on designated and non-designated heritage assets

- 7.6 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.
- 7.7 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 contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.

- 7.8 Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest.
- 7.9 Policy DM5 of the Development Management Document seeks to conserve and enhance all heritage assets including Frontages of Townscape Merit and their setting. The NPPF states at paragraph 202 that “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...*”.
- 7.10 It also states at paragraph 203 that “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”
- 7.11 Policy DM5 states “Development proposals, including replacement shopfronts, that impact upon the ‘Frontages of Townscape Merit’ will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function.
- 7.12 The application site is already used as a temporary market with the application only seeking to increase the number of market days.
- 7.13 The only external alterations relate to the temporary erection of market stalls on the days that the market is taking place. This can be controlled by condition and would have no significantly harmful impact on the character and appearance of the site, High Street or the wider area. Markets of this nature are typical of Town Centre locations and would not appear out of keeping or unusual in this context.
- 7.14 The document which all prospective market stall operators must sign up to under the separate legislative framework prescribes that traders are allocated a pitch or pitches each measuring 3 metres by 3 metres. The privately owned stalls, vehicles or stands on the open market are required to be constructed to a high specification acceptable to the Council under those separate provisions and are required to be kept in a good state of repair at the expense of the trader.
- 7.15 Noting the separately enforced regulatory provisions described within this report and the temporary nature and arrangement and layout of the market. It is considered that the proposal will have a neutral, and therefore acceptable impact on the character, appearance and setting of the nearby designated (listed buildings) and non-designated (locally listed buildings and Frontages of Townscape Merit) heritage assets, preserving their significance, and on the area generally.
- 7.16 The application is therefore acceptable and compliant with the above noted policies.

Impact on Residential Amenity

- 7.17 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.

- 7.18 The market is an existing feature in High Street with the application seeking to increase the number of market days.
- 7.19 No changes to how the market will be operated are proposed with traders still required to continue to adhere to the separately enforced rules and regulations outlined in the supporting document 'Use of Stalls'. The hours of operation (8.30am-5.30pm) proposed fall outside of noise sensitive hours and are considered acceptable. This can be conditioned.
- 7.20 Environmental Health Officers have raised no objections to the proposal noting the comprehensive set of rules and regulations for market traders in the stall specification. A condition has been proposed controlling the playing of music and amplified speech and this is considered reasonable and proportionate in this instance.
- 7.21 A Waste Management Strategy must be in place in accordance with the Southend-on-Sea City Council Management Plan to mitigate noise and odour from the waste storage facilities, as well as collection arrangements and pest control measures. This can be secured with an appropriately worded condition.
- 7.22 On this basis and subject to conditions, the proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.23 The NPPF states (paragraph 111) 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."
- 7.24 This part of High Street is pedestrianised area with high volumes of pedestrian traffic, so it is important that pedestrian movement is not compromised. The stalls have an existing lay out either side of the central pedestrian footpath and there would be a separation distance of approximately 10m between the stalls extending along either side of the High Street. This would leave a satisfactory central access for pedestrians, access to shops and access for emergency vehicles/fire escape.
- 7.25 The applicant states that the market stalls will be set up between 07:00am and 08:30am with all vehicles off the High Street by 8.30am. The market will close at 5:30pm with all vehicles to be off the pedestrianised highway by 6:30pm.
- 7.26 Details of how pedestrians are to be protected during vehicle access and egress from the High Street have been provided as follows:
- 5mph maximum speed;
 - Hazard warning lights to be displayed at all times;
 - Employment of a banksman, or request a Police Officer, Community Safety Officer or Street Ranger (either by flagging them or calling the Market Manager) to escort the vehicle where footfall is high, such as where it has been agreed (by the Market Manager) that a trader will leave early;
 - Always leave space for emergency access up and down High Street, and be available on site at all times to be available to either move a vehicle or deconstruct a stall to allow emergency access to a specific site;

- Access to the High Street is achieved either via London Road or Whitegate Road, depending on which is the closest and most effective route to the trader's stall and results in the least amount of time spent driving on the pedestrianised space.

Additionally:

- Access control will sit with CCTV Operators, who will remotely allow access via a bollards system that is soon to be operational; traders, for whom the Market Manager possesses contact details including name and address, will be issued a permit that is to be renewed either a) every year or b) whenever the vehicle they use changes. CCTV Operators will only allow traders access where they have a valid permit, at set times, and at no times in between unless where otherwise agreed.

- 7.27 There are several public car parks in the town centre which would provide parking for trader vehicles and customers.
- 7.28 Highways officers have not objected to the proposal on highway safety, parking or network grounds.
- 7.29 On this basis, the proposed development would be acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

- 7.30 As the proposed development does not involve new floorspace and does not involve the creation of a new dwelling (Class C3), it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity

- 7.31 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 provisions separately enforced including those designed to allow for safe and convenient passage by all people and have 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.

8 Conclusion

- 8.1 For the reasons outlined, the proposal which would support the vitality and economy of the High Street and Town Centre is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion, it is recommended that planning permission is granted subject to conditions.

9 Recommendation

- 9.1 **GRANT PLANNING PERMISSION subject to the following conditions:**

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

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

02 The development hereby approved shall be carried out in accordance with the approved plans: Location Plan; Market Layout Area Plan (Rev A) including the general arrangement of stalls and public thoroughfares between and around them.

Reason: To ensure the development is carried out in accordance with the development plan.

03 The proposed market hereby approved shall contain no more than 45 stalls with each stall occupying an area of no more than 3m x 3m.

Reason: In the interests of the character and appearance of the area, the safety of pedestrians and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM15 of the Development Management Document (2015).

04 The proposed market hereby approved shall only operate between 08:30am and 5:30pm on Thursdays, Saturdays and Bank or Public Holidays. Traders shall not arrive on site and set up stalls before 7am with all associated waste and traffic to be cleared from the highway no later than 6:30pm on the same day.

Reason: In the interest of highway safety and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

05 No amplified music and/or amplified speech either recorded or live nor playing of unamplified musical instruments shall be undertaken in association with operation of the market hereby approved unless details of this have first been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Amplified music and speech means that broadcast electronically through a loudspeaker including through radios and by the use of microphones. This includes speech for the purposes of advertising.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

06 Within six calendar months from the date of this permission the use hereby allowed shall cease unless and until details of the design and materials of the proposed waste storage and an associated Waste Management Strategy to include mitigation methods to control noise and odour from the waste storage and collection arrangements, and pest control measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details from the date these details are approved and shall be maintained and managed as such for the lifetime

of the development.

Reason: To ensure that the development is satisfactorily serviced, and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1 and DM15 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Waste Management Plan for New Development (2019).

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.

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 development hereby approved has been assessed on the reasonable understanding that the market will operate in accordance with the rules and regulations set out in the supporting document 'Use of Stalls' or any other document authorised by the relevant Council department under the appropriate regulatory regime(s).
- 4** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 5** The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974.

Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

APPENDIX 1

“Use of Stalls” document – for information only

Use of Stalls

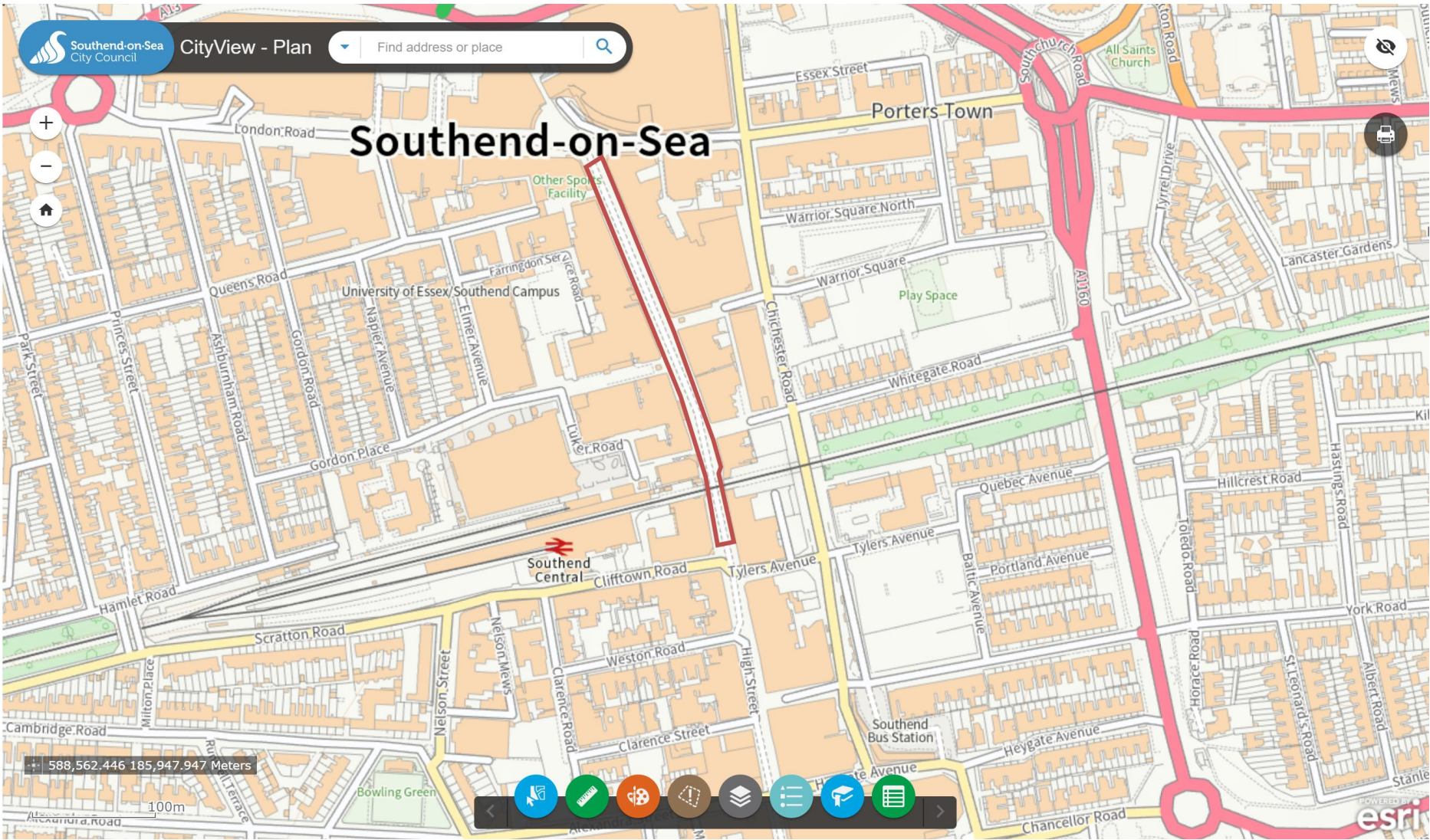
- 3.1 Traders will be allocated a pitch or pitches each measuring 3 metres by 3 metres (area of land on the highway in a designated position) and must provide their own stalls and covers/gazebos which must be of good standard, inflammable, properly anchored and with no overhead projections. Stall covers are required not solely for traders’ own protection from weather, but for the market’s “neat and tidy” aesthetic, where boundaries are clearly displayed.
- 3.2 A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the pitch, unless otherwise agreed by the City Centre & Markets Manager.
- 3.3 Traders shall secure firmly all items likely to be affected by moderate or strong winds, including – but not limited to – clothing, bedding and carpets; and ensure all items that by other means could affect the passing public are properly secured.
- 3.4 Traders’ stalls will be allocated a pitch by the Appointed Grounds Person(s) within the designated market space, and in accordance with their judgement on where stalls are best accommodated. The designated market space is defined as being Southend High Street from its junction with Southchurch & London Roads, to its junction with Clifftown Road. Stalls must only be moved where agreed by the Council, which may also be at their request where an event, utility work or emergency occurs.
- 3.5 Traders may provide lighting to a stall, and included within pitch fees is use of electricity from Council light columns, however, the Council must be informed of this use, and any arrangement made fire safe and unobstructive to the passing public.
- 3.6 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters and generators without prior permission from the Council.
- 3.7 Whilst traders are not required to exhibit their contact details for members of the public to see, the Council will possess a record of such details for the purposes of traceability. If these details are required by any party, the Council will inform the trader first.
- 3.8 No trader may make a change in the type of goods sold as prescribed on the signed undertaking (1.3) except with the prior permission of the Council and the completion of a new undertaking.
- 3.9 Nothing herein contained shall be construed as requiring the Council to permit a trader to transfer from one pitch to another, but if such is permitted a trader shall continue to sell goods previously permitted to be sold on their usual pitch.
- 3.10 A trader selling food products shall comply with the Food Hygiene Legislation or any other statutory legislation or re-enactment thereof from time-to-time in force.
- 3.11 Traders are permitted to sell food cooked on site, however, at application stage the details of trade will be subject to approval by Southend BID.
- 3.12 All food traders shall comply with the guidance provided by Regulatory Services for Mobile Units at Markets and Special Events. The City Centre & Markets Manager can provide a copy of this upon request.
- 3.13 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 or any other statutory modification thereof and any such trader shall comply with all byelaws.
- 3.14 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any pitch on any part of the market except where the animal is a guide dog for a registered blind person.

- 3.15 No trader shall sell or permit to be sold any animals domestic or otherwise or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
- 3.16 A trader shall not conduct an auction at or on any stall or pitch.
- 3.17 A trader shall not, during the course of trading on the market, tout for custom. No person shall, to the annoyance of any other person, yell or ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- 3.18 A trader shall not use the method of selling known as 'demonstrating'.
- 3.19 A trader shall conduct their trading in such a way as to ensure so far as is reasonably practicable that any persons present on the open market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time-to-time in force.
- 3.20 Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Council when such is required in connection with the traders business and the bringing of such equipment on to the open market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of sound or pictures or copyright or otherwise.
- 3.21 The decibel (noise) level of such will be entirely at the discretion of the Council.
- 3.22 No trader shall sell or permit to be sold ornamental weapons or replica guns, fireworks or anything else which, in the opinion of the Council, is considered to be a risk to anyone attending the open market.
- 3.23 No trader shall sell or permit to be sold any item that contravenes the following:
- Copyright, Design and Patents Act 1988
 - Trade Descriptions Act 1968
 - Trademarks Act 1994
 - Video Recording Act 1984 and similar associated legislation
- 3.24 Traders must comply with the minimum age requirements as determined from time to time by Trading Standards on Age Restricted Sales.
- 3.25 Traders' stalls must be covered by good quality canvas type material.
- 3.26 Traders must not block pedestrian access on the High Street and must at all times keep the emergency access lane free.

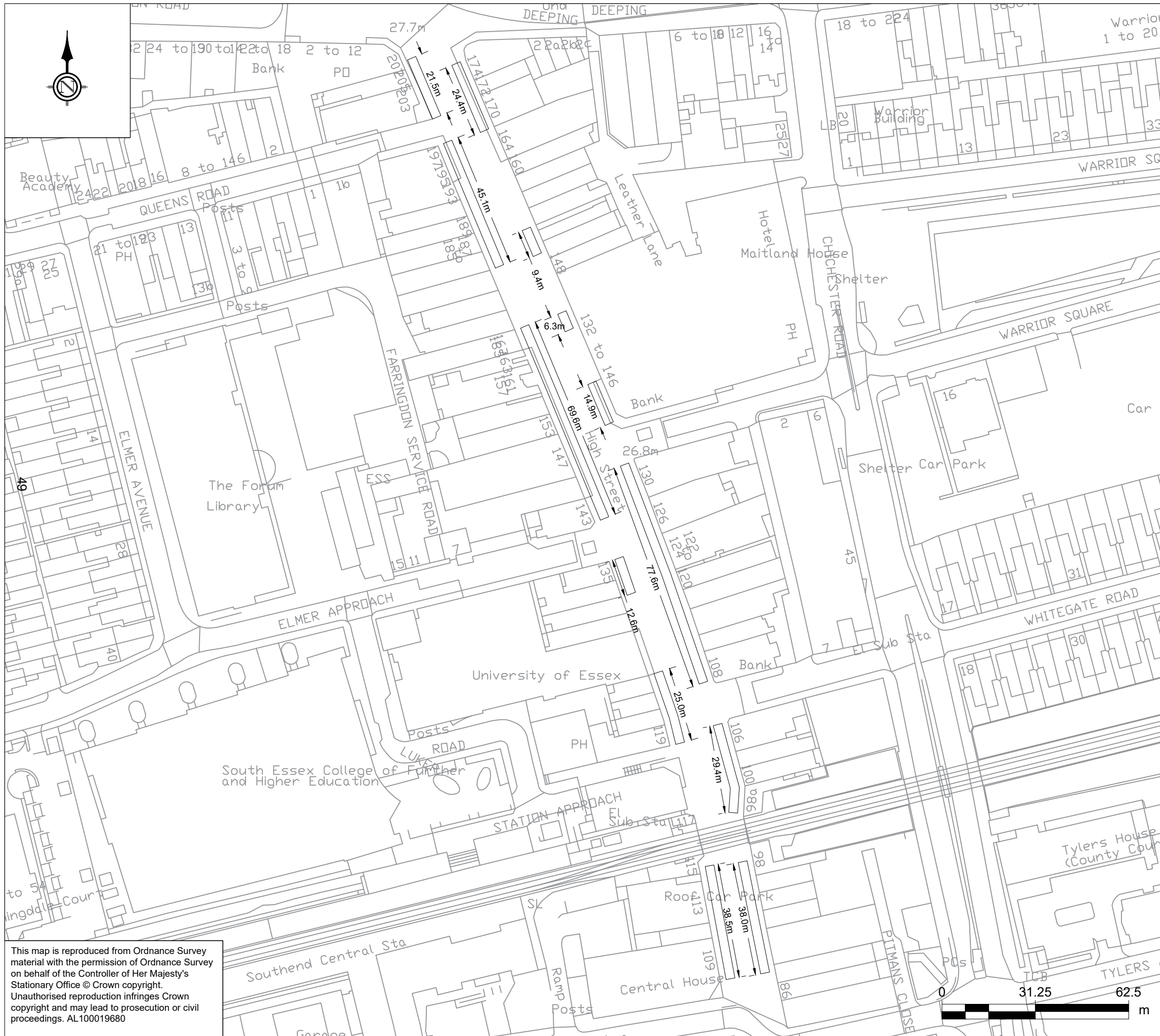
4. Stalls, Vehicles, Stands

- 4.1 All privately owned stalls, vehicles or stands on the open market must be constructed to a high specification acceptable to the Council and must be inflammable and kept in a good state of repair, totally at the expense of the trader. All equipment, including stalls, must be properly anchored.
- 4.2 Traders who have such equipment or vehicles, irrespective of whether such traders are the actual owners or hirers, must indemnify the Council as provided for in Section 6 of these Regulations against any claim for damages or injury to persons or property arising from such equipment, however this may be caused.


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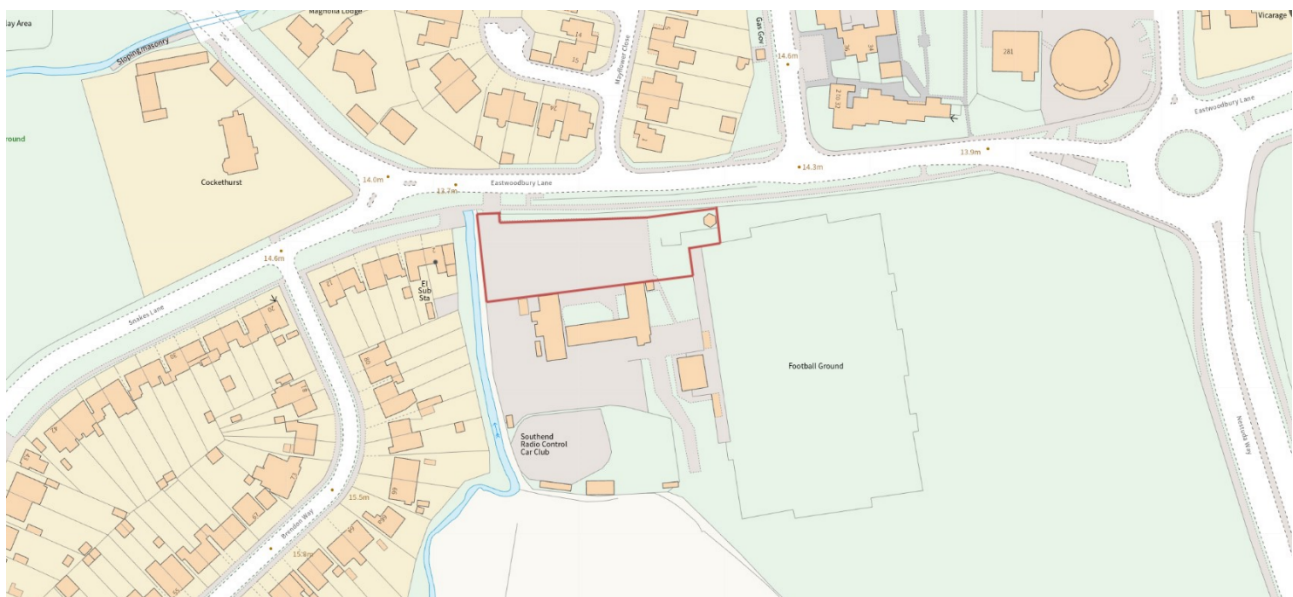
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| SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION | | | |
|---|--------------|-------------|----------|
| In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks | | | |
| Construction | NONE | | |
| Maintenance / Cleaning | NONE | | |
| Use | NONE | | |
| Decommissioning / Demolishing | NONE | | |
| Notes: | | | |
| 1.  Market Stalls | | | |
| 2. Market stall depth 3 m | | | |
| 3. Market stalls set 2 m from shopfronts | | | |
| 4. Central clearway of avg. 10 m for public & emergency vehicle access | | | |
| 5. Allowances made that stalls will not, in combination with street furniture, prove obstructive | | | |
| | | | |
| | | | |
| | | | |
| A | | XX | XX |
| Rev. | Description. | Drn | App Date |
| Southend-on-Sea City Council Neighbourhoods and Environment PO Box 5560, Civic Centre Victoria Avenue, Southend on Sea, SS2 6ZQ | | | |
| Project Title | | | |
| Southend General Market | | | |
| Drawing Title | | | |
| Market Layout Area Plan | | | |
| Drawn | Date | Review | Date |
| JAB | 06/04/2023 | | |
| Checked | Date | Approved | Date |
| | | | |
| Scales @ A3 | | Revision | |
| 1:1250 | | | A |
| Drawing Status | | Preliminary | |
| Drawing Number | | | |

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| | |
|------------------------------|---|
| Reference: | 23/00514/BC4 |
| Application Type: | Borough Council Regulation 4 |
| Ward: | St Laurence |
| Proposal: | Erect single storey timber building for use as nursery school to front of main building (Amended Proposal) |
| Address: | Eastwood Community Nursery, Len Forge Centre, Eastwoodbury Lane |
| Applicant: | Eastwood Community Playgroup Association |
| Agent: | Mr Trevor Masterson of Bell & Masterson |
| Consultation Expiry: | 6th June 2023 |
| Expiry Date: | 4th August 2023 |
| Case Officer: | Kara Elliott |
| Plan Nos: | Location Plan, BM001 Rev C, BM.002, Floor Plan, Façade A-F, Façade F-A, Façade 1-5, Façade 5-1, Section A-A, Foundation Plan, Wall, Roof, Floor |
| Supporting Documents: | Sustainability Statement, Planning Design and Access Statement April 2022, Flood Risk Assessment dated 08.03.22 Ref: WFR-FRA-2022/01/Q18, Supplementary Supporting Statement dated 06 July 2023. |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions |

6



1 Site and Surroundings

- 1.1 The application relates to the existing Len Forge Centre which is located south of Eastwoodbury Lane and contains the existing single storey nursery buildings and sports pitches/recreation grounds as well as a car park. There is currently a short row of conifer trees and shrubs within the site the southernmost part of which would be removed to make way for the proposed development.
- 1.2 The site is located within the Joint Area Action Plan (JAAP) area and Flood Zone 2 and is part of a designated Protected Green Space.

2 The Proposal

- 2.1 Planning permission is sought to erect a single storey detached building to provide new, replacement nursery facilities, for a facility which is currently housed within the multi-use buildings on site. The building would be located some 12m south of the site's northern boundary next to an existing external play area serving the existing nursery. The building would be some 10m wide x 6.2m deep x 3.5m high to ridge, 2.4m to eaves, constructed in timber with a simple, pitched roof design. 8 -10 fte staff would be employed.
- 2.2 This application follows a refusal of planning permission for similar development (details in the below section), the differences being that the building was previously proposed 6.7m deep and the case now in support of the application has been enhanced with additional information. The previous reason for refusal is detailed in paragraph 3.1 of this report. In summary, the previous application failed to justify loss of the designated open space.
- 2.3 In accordance with the Council's Constitution, the application comes before the Development Control Committee as the loss of designated open space represents a Departure from the Development Plan.

3 Relevant Planning History

- 3.1 22/00925/BC4 - Erect new single storey timber building for use as nursery school to front of main building - Refused 13.10.2022. Reason for refusal:
 1. The proposed development would result in loss of existing designated public open space area which are safeguarded from loss or displacement to other uses. It has not been clearly demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community. Furthermore, it has not been demonstrated that the open space is surplus to requirements and the development is not for alternative sports and recreational provision, the benefits of which would have clearly outweighed the loss of the current or former use. This is unacceptable and contrary to the National Planning Policy Framework (2021) and Policy CP7 of the Core Strategy (2007).
- 3.2 91/0204 - Additionally Use Club House as Nursery School relaxing condition 02 on Planning Permission SOS/87/0345 granted 17/06/87 restricting the use of the Clubhouse to Southend Borough Combination – Granted 17.04.1991.

4 Representation Summary

Public Consultation

- 4.1 13 neighbouring properties were notified, a press advert was posted and site notices were displayed). No letters of representation were received.

Environment Agency

- 4.2 No objection. Suggests contact regarding Environmental Permitting (England and Wales) Regulations 2016 which can be included as an informative to any positive decision.

Sport England

- 4.3 In terms of the impact on the playing field, the building would be sited on a small area of grassland between the artificial grass pitch and the adjoining the car park. This area would appear to be used at present by the nursery school as part of their play area and is partly occupied by a line of trees/shrubs that would be removed to facilitate the development. This area would not be capable of being used for playing pitches or formal sport due to the limited space available and the constraints imposed by the trees and the siting of the building would not appear to have any impact on the operation of the adjoining artificial grass pitch.

Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception: The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

4.4 Lead Local Flood Authority

No objection. Requests condition in relation to drainage.

4.5 Parks

No objection.

Highways & Parking

- 4.6 No objection.

Essex County Fire and Rescue Service

- 4.7 No objection.

School Development

- 4.8 Comment - Broadly in support of the proposal.

Environmental Health

- 4.9 No objections subject to conditions in relation to land contamination, construction/demolition management and opening hours. [Officer comment: A Construction Method Statement is subject of a proposed condition recommended at the end of this report. It is considered that conditions for contamination and hours of opening are not necessary or justified in the circumstances of this particular proposal and the site's circumstances.]

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance and National Design Guide (Rev 2021)
- 5.3 Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport & Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space).
- 5.4 Development Plan Document (2015): DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM14 (Environmental Protection), DM15 (Sustainable Transport Management)
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 The London Southend Airport and Environs Joint Area Action Plan (JAAP) (2014)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Appraisal

Principle of Development

- 6.1 The proposal is in line with the central principles of Policies KP2 and CP6 of the Core Strategy which seek that development supports improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies. Equally, the policies generally encourage such uses to be within existing local centres.
- 6.2 The site is within a designated Protected Green Space. Paragraph 98 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.
- 6.3 Policy CP7 of the Core Strategy states that sites designated as protected green spaces will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.
- 6.4 Paragraph 99 of the NPPF says that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

6.5 The previous application was refused because it failed to demonstrate justification for why the proposed development should be allowed to result in the loss of existing designated public open space which is safeguarded from loss or displacement to other uses. It was not clearly demonstrated within that application that alternative facilities of a higher standard were being provided in at least an equally convenient and accessible location to serve the same local community, and that there would be no loss of amenity or environmental quality to that community. Neither was it demonstrated that the open space is surplus to requirements and that the development was for alternative sports and recreational provision, the benefits of which would have clearly outweighed the loss of the current or former use.

6.6 The current application is supported by a planning statement and a supplementary statement which contains further evidence and information on the quality and usability of the existing open space and more in-depth clarification of the needs and benefits of the development including having regard to the context of early years provision in this part of the City. In summary, the applicant explains that:

- The area on which it is proposed the new building will be located has currently no designated use other than being an area through which footballers access playing pitches;
- The proposed development would allow for an increase in the number of children attending the facility [officer comment – this would consequently result in increased employment opportunities];
- The proposed development will enable children to access a variety of indoor and outdoor experiences;
- The proposed development will enable a child-centred learning approach through play contributing to the cognitive, physical, social, and emotional, well-being of children;
- The proposed development will enable direct access to the existing designated outdoor nursery area, resulting in linked and enhanced experiences;
- Operating hours can be extended compared to the existing nursery facility (currently 7 am – 6pm) ;
- The proposed development will enable an increase in nursery capacity compared to the existing nursery facility (currently 22 places but capable of an increase to 50 places) ;
- The existing facility has to be vacated regularly due to other activities taking place within the building , reducing availability for users and their children;
- The area on which the building would be constructed on mainly contains dying conifer trees which have no amenity value;
- The development would introduce new planting/landscaping to improve the amenity value of the site;
- The building will provide increased thermal benefits compared with the existing nursery building which is dated and uncomfortable for users during extremes of weather.
- The new building will be M4 (2) compliant by providing access for disabled

persons and the ground surface will not impede wheelchairs. The building will also provide special and accessible sanitary arrangements for the staff and children to comply with these regulations which are not available in the current building used by the Nursery. Step free access will be provided between parking areas and between the building and the associated existing play area and any threshold will be considered an accessible threshold.

- New planting to the agreed density and numbers will be positioned in the existing open space areas. 18 number native species with a mixture of Broad Leaf trees and pollinators are proposed to be provided and maintained.

6.7 The supplementary statement also contains information compiled by the applicant using Southend City Council data on Early Years education capacity and vacancy focused on the St Laurence Ward in which the development is located.

6.8 Table 1: Providers in St Laurence Ward

| Provider Type | Number of Providers in Ward |
|---------------------------|--|
| Day Nursery | 2 (including the current Eastwood Community Nursery) |
| Pre-school | 1 |
| Childminders | 5 |
| School with Nursery Class | 2 |

6.9 Table 2: Capacity by age group

| Provider Type | Capacity Information |
|---------------------------|---|
| Day Nursery | Both Providers are currently at full capacity |
| Pre-School | Currently at full capacity |
| Childminders | Two of the Childminders are currently full. Two have very limited availability. One has spaces available. |
| School with Nursery Class | Both providers currently at full capacity |

6.10 Weighing the benefits of the case made in relation to the following factors:

- The quantitative improvement of the development where it has been demonstrated that there is an unmet need for this development based on early years provision in this ward;
- The qualitative improvements which the proposal would bring compared to the existing nursery facility,
- The vacation of the existing building and the resultant increased capacity of that local community facility as a result of relocation of the nursery facilities
- The proposed qualitative improvement of green space, with additional planting within the site and surrounding protected green space;
- The nature of the open space that prevents practical recreational use of the space plus the fact that the Council's Parks Officer does not raise objection;
- Sport England do not object to the proposals and consider this area in

question would not be capable of being used for playing pitches or formal sport;

It is considered overall and on balance that whilst this development has not satisfied the criteria of NPPF paragraph 99 and policy objectives for retention of open space, taking all the above benefits into account and subject to the described conditions, the benefits of the development outweigh the of the partial loss of designated protected open in the particular circumstances of this case.

- 6.11 On this basis the principle of development is considered to be acceptable as a departure from policy and as such that the current proposal has overcome the previous reason for refusal. No conflict with the objectives of the London Southend Airport and Environs Joint Area Action Plan has been identified. Detailed material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 6.12 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.13 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.
- 6.14 The proposed single storey development is modest in size, scale, bulk and height and would reflect the scale of existing development on the site. It would not result in demonstrable harm to the character and appearance of the site or the wider surrounding area.
- 6.15 Whilst the removal of the southernmost part of the short row of conifer trees and shrubs within the site is a factor to be weighed in the balance, these are not materially visible from the highway and are not considered to have any amenity value beyond within the site itself. The Council's Parks service have confirmed that this vegetation is likely to originally have been planted as a hedge line and over the passage of time they have become overgrown, too close to each other and overall are not considered worthy of a Tree Preservation Order (TPO). The proposal would not result in loss of hedging along the site's northern boundary, including forward of the proposed building. Nor would it impact vegetation on the recreation site's north western corner such that these natural features would continue to provide a soft setting for the wider site in which the proposal is to be located. The applicant has also submitted information (on the proposed site plan) confirming that 18 new broad leaf/pollinator trees are proposed as replacement for the lost trees, plus additional planting on adjacent open space all of which can be secured by condition. Noting the limited public amenity value of the existing trees and shrubs it is considered that this replacement provision would be equivalent or better landscaping provision in terms of quantity and quality in a suitable location. The Parks service, which controls the wider areas of the recreation site where this replacement planting would take place are supportive of this approach. Subject to the described condition, it is considered that the loss of, and extent of replacement landscaping for, the existing trees is acceptable.

- 6.16 Subject to conditions the proposal is found to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 6.17 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.
- 6.18 There are no immediately neighbouring residential properties, the closest residential development being more than 25m away on the opposite side of Eastwoodbury Lane in Mayflower Close and the development would not harmfully impact any of the other uses at the centre such as sports pitches. It is not considered that the development would result in levels of activity or traffic harmful to residential amenity. Given its nature and distance away from the nearest dwellings, an hours of use condition is not considered to be necessary or proportionate in this instance.
- 6.19 The development is considered to be acceptable and policy compliant in the above regards.

Flood Risk

- 6.20 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The application site is within Flood Zone 2 and the proposed development, according to Annex 3: Flood risk vulnerability classification of the NPPG is classed as being 'more vulnerable'. Development of this classification within Flood Zone 2 is considered acceptable.
- 6.21 The submitted Flood Risk Assessment (FRA) recommends measures for mitigation against flood risk. A condition is recommended requiring the development to be carried out and operated in accordance with the recommendations in the FRA.
- 6.22 Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to such conditions, the development is acceptable and policy compliant in these regards.

Sustainability & Biodiversity

- 6.23 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the development, where feasible, should be provided by renewables to meet the objectives of Policy KP2.
- 6.24 Details of renewable energy technologies have not been included in the application. This requirement can be dealt with by condition.
- 6.25 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) (110lpd when including external water consumption). This requirement can be dealt with by condition.

- 6.26 DM2(iii) seeks that new non-residential development also meets environmental standards in terms of function and impact, not just for the short term but over the lifetime of the development. The Council therefore require all non-residential developments to meet the BREEAM standard 'Very Good' as a minimum, although higher standards are encouraged. Exceptions will be considered where it can be demonstrated to the satisfaction of the Council this is not viable or feasible.
- 6.27 The submission supporting the application includes limited sustainability measures within a Sustainability Statement. The Council's preferred approach is for BREEAM standards requiring sustainability measures be addressed by designing these into the building at the earliest stages of the design, nevertheless here a condition to require that such standard is achieved can be imposed subject to which the proposal is considered to be acceptable in these regards.
- 6.28 The removal of the existing trees and shrubs will result in some loss of biodiversity. It is considered that this will be acceptably offset by the replacement planting tree and shrub that is proposed, together with enhanced biodiversity measures and which can be secured by condition.
- 6.29 Subject to the described conditions, the proposal is considered acceptable and policy compliant in the above regards.

Highways and Parking

- 6.30 The NPPF states (para 111) 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."
- 6.31 The adopted parking standards for a nursery use are expressed as a maximum requirement of 1 space per full time staff plus waiting facilities where appropriate. The applicant states that there will be no increase in staff as a result of the development, nevertheless, if staffing were to increase, the existing large car park on site (circa 100 spaces) provides adequate parking spaces for the needs of the development without prejudicing other site users. The site is also accessible by local bus routes. Cycle parking can be secured by condition.
- 6.32 The development is not found to result in any significant parking, highway safety or traffic network impacts. Highways raise no objection The proposal is therefore considered to be acceptable and policy compliant in these regards.

Other Matters

Use

- 6.33 As the justification for loss of designated Open Space is based on the particular circumstances of this proposal and weight is also given as part of balanced assessment to the need and qualitative case set out in support of the application, it is considered to be justified and reasonable for the building's use to be restricted to a nursery as sought so that control is retained over any future proposals to change the building's use to other uses within Class E of the Use Class Order. A condition is recommended accordingly.

CIL

- 6.34 Although this application is CIL liable, in this instance the chargeable amount has been calculated on the basis of a zero rate as applicable to a registered charity use.

Equality and Diversity Issues

- 6.35 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 qualitative improvement including those enabled in respect of accessibility and 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

- 6.36 For the reasons outlined above in para 6.6 onwards, the proposal is found to have demonstrated a justifiable case for a departure from policy in respect of designated Open Space on the basis that, on balance, the development overall, including provision of replacement tree and shrub planting, and taking into account the need for the development and the qualitative benefits it would bring compared with the existing nursery provision in this location, the applicant has overcome the previous reason for refusal. 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.

7 Recommendation

7.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02 The development shall be carried out in accordance with the approved plans: Location Plan, BM001 Rev C, BM.002, Floor Plan, Façade A-F, Façade F-A, Façade 1-5, Façade 5-1, Section A-A, Foundation Plan, Wall, Roof, Floor.**

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition and site clearance works, until details of the materials to be used in the construction of the external elevations of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved**

details before it is brought into use.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04** The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment reference WFR-FRA-2022/01/Q18 dated 8 March 2022 before the development is occupied and the development shall thereafter be used in accordance with those details and measures for its lifetime.

Reason: To ensure that users are not placed at increased risk given that the site is liable to flood in accordance with the National Planning Policy Framework (2021) and Policy KP2 of Core Strategy (2007).

- 05** The development hereby permitted shall only be occupied for purposes falling within Use Class E(f) as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of resident amenities, environmental quality, to ensure there is sufficient parking and in the interests of highway safety further to the National Planning Policy Framework (2021), 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).

- 06** Notwithstanding the details shown in the approved plans, prior to the first use of any part of the development hereby approved, full details of refuse and recycling facilities for the development, including a waste management strategy, shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of user amenities and environmental quality further to the National Planning Policy Framework (2021), 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 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

07 Notwithstanding the details shown in the approved plans, prior to the first use of any part of the development hereby approved, full details of drainage infrastructure, (including foul and surface water drainage infrastructure and ‘sustainable urban drainage systems’ SuDS principles) shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved details shall be provided at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: To prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with Policies KP1 and KP2 of the Core Strategy (2007), and Policy DM14 of the Development Management Document (2015).

08 Prior to the first use of the development hereby approved, full details of secure, covered cycle storage facilities shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The secure, covered cycle storage facilities shall be provided and made available for use at the site in accordance with the approved details prior to the approved development’s first use and retained for the lifetime of the development.

Reason: To ensure that adequate cycle storage is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless full details of both hard and soft landscape works to be carried out at the site and in the surrounding area in association with the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be completed prior to first use of the development and the soft landscaping works within the first planting season following first use of the development. The soft landscaping works shall include replacement shrub and tree planting, comprising of no less than 18 broadleaf/ pollinator trees to be planted within the application site and the wider area(s) of the Eastwood designated Open Space, details of the works to include specification of the area(s) in which the planting will be undertaken, the species and size of trees/ shrubs to be planted and the timescale for such provision. Details submitted for the hard and soft landscaping within the site edged red for the application hereby approved generally shall include, but not be limited to:

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

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 in writing with the Local Planning Authority under the terms of this condition.

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

- 10 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating at least “Very Good” has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority under the provisions of this condition.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 11 Prior to first use of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 12 Prior to the first occupation of the development hereby approved, appropriate 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), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented and retained as such in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide.

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.

INFORMATIVE

- 01** Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the 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.
- 03** The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506.

Len Forge Centre, Eastwoodbury Lane, Southend-on-sea, SS2 6UH

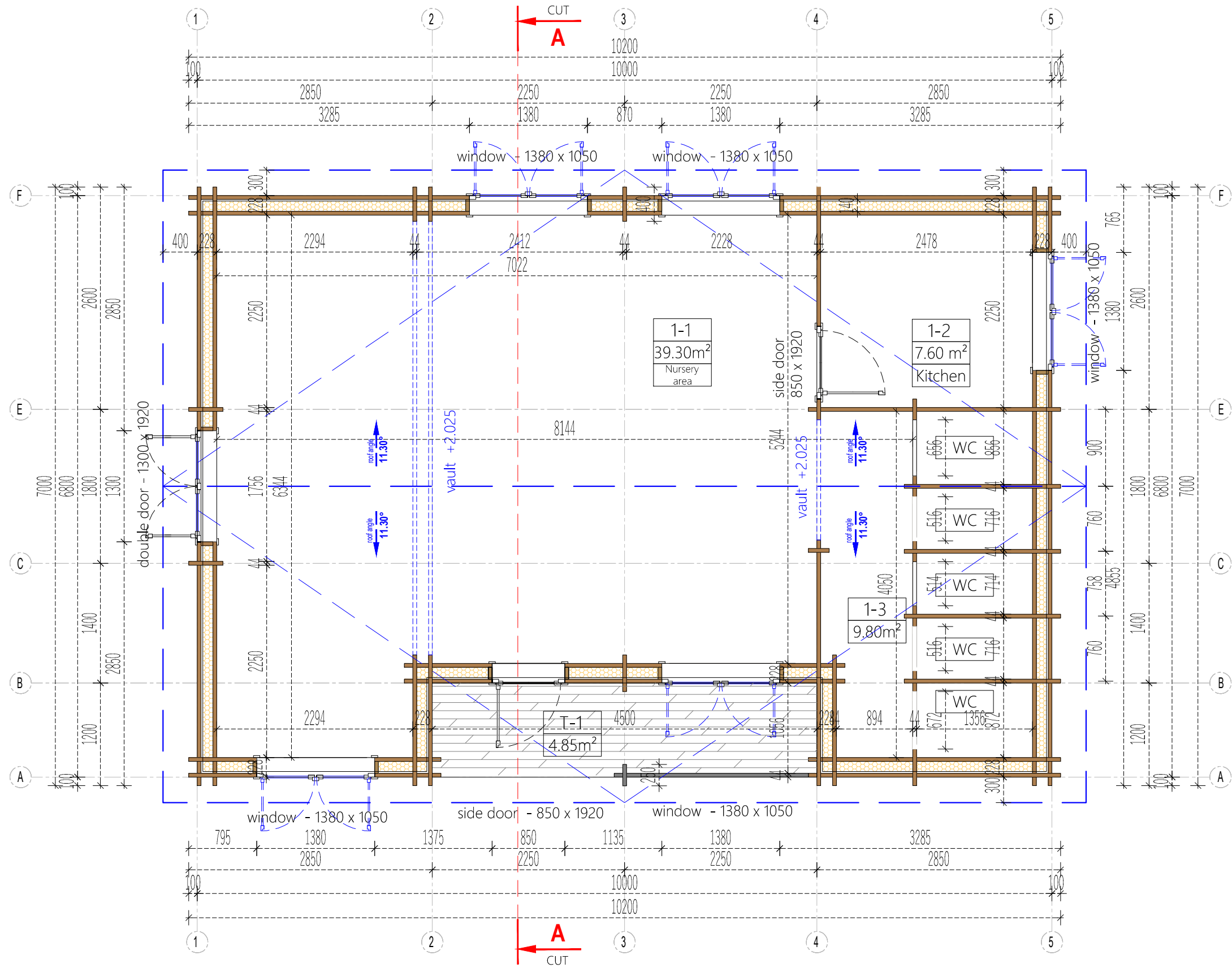


Site Plan shows area bounded by: 585294.92, 188358.4 585794.92, 188858.4 (at a scale of 1:2500), OSGridRef: TQ85548860. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

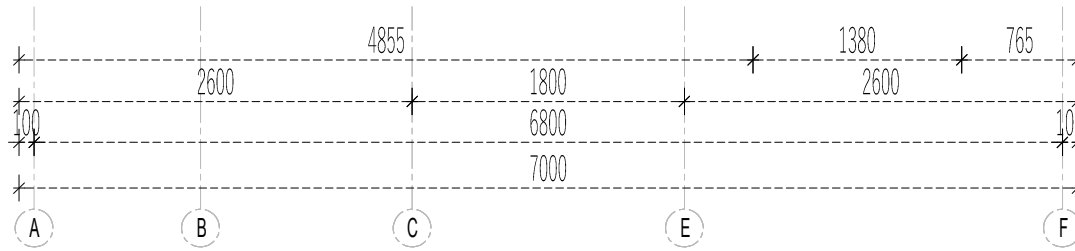
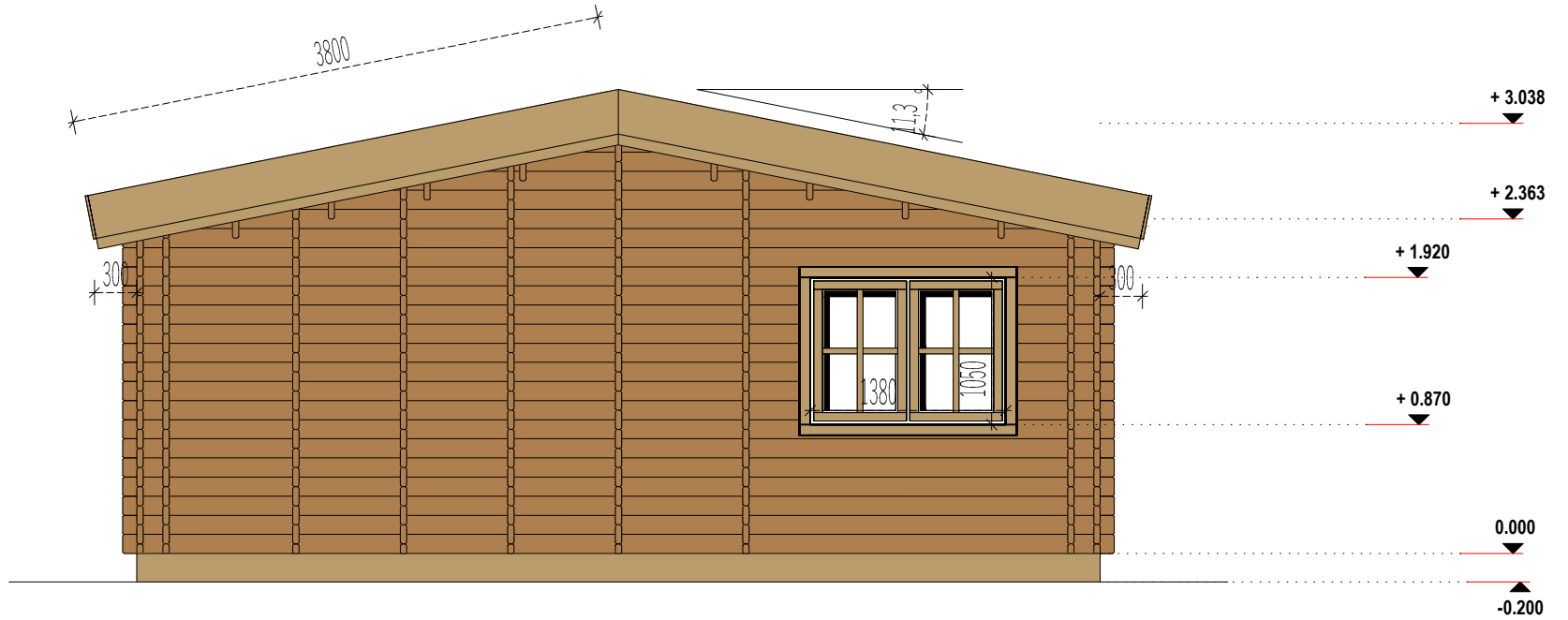
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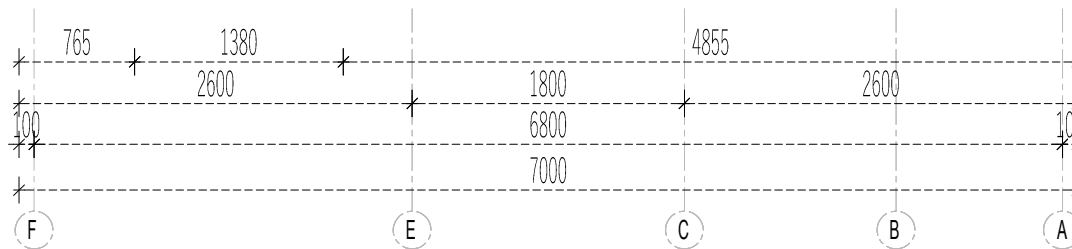
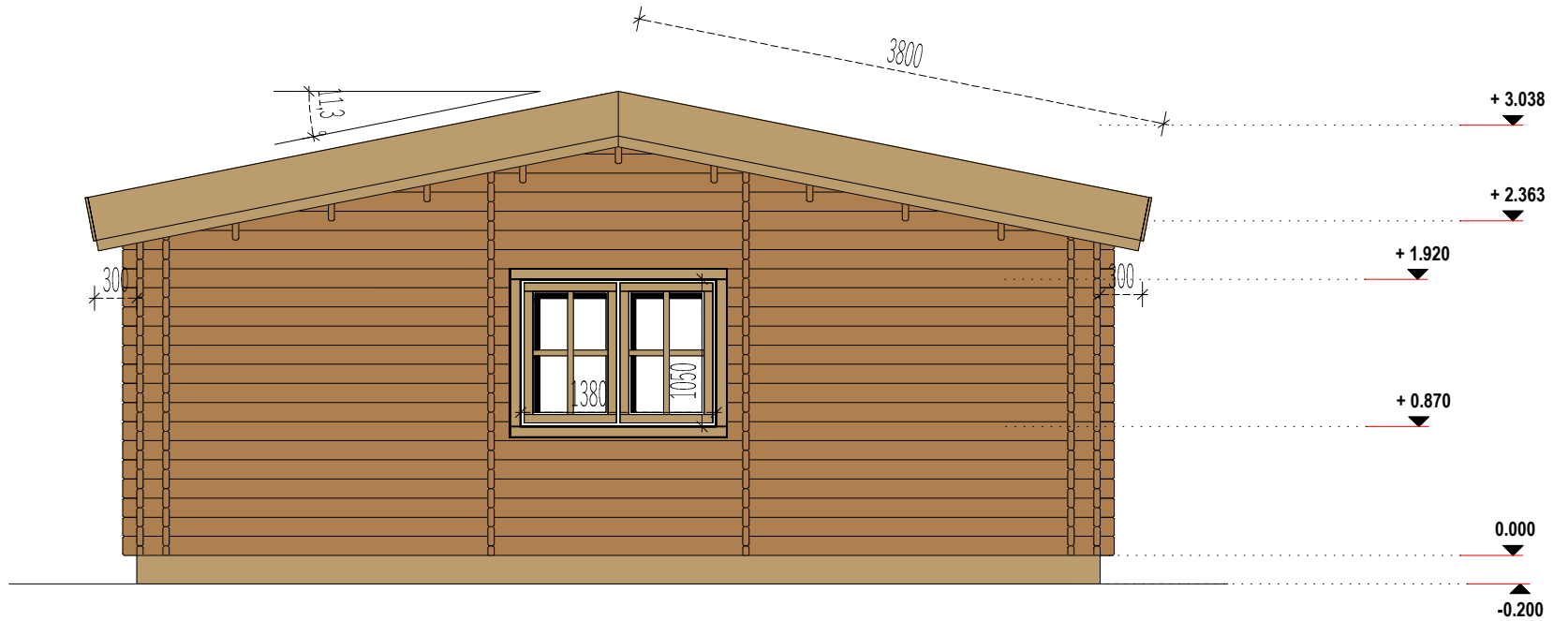
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|--|-------------|------|--|-----------------|----------------------------|----------------|------------------|-------------|--------------------|-----------|
| | Project Nr. | | | Interior area | 56.70 m² | Wall thickness | 44+140+44 | T.S. | Paper size / scale | A3 / 1:50 |
| | L_66455 | | | Built - up area | 5.00 m² | Built height | min | 2363 | | |
| | 2021-03-30 | | | Roof angle | 11.3 ° | | max | 3038 | | |
| | Name | Date | | Roof area | 82.50 m² | | ▲ | 742 | | |
| | | | | Description | FLOOR PLAN | | | | | |



89

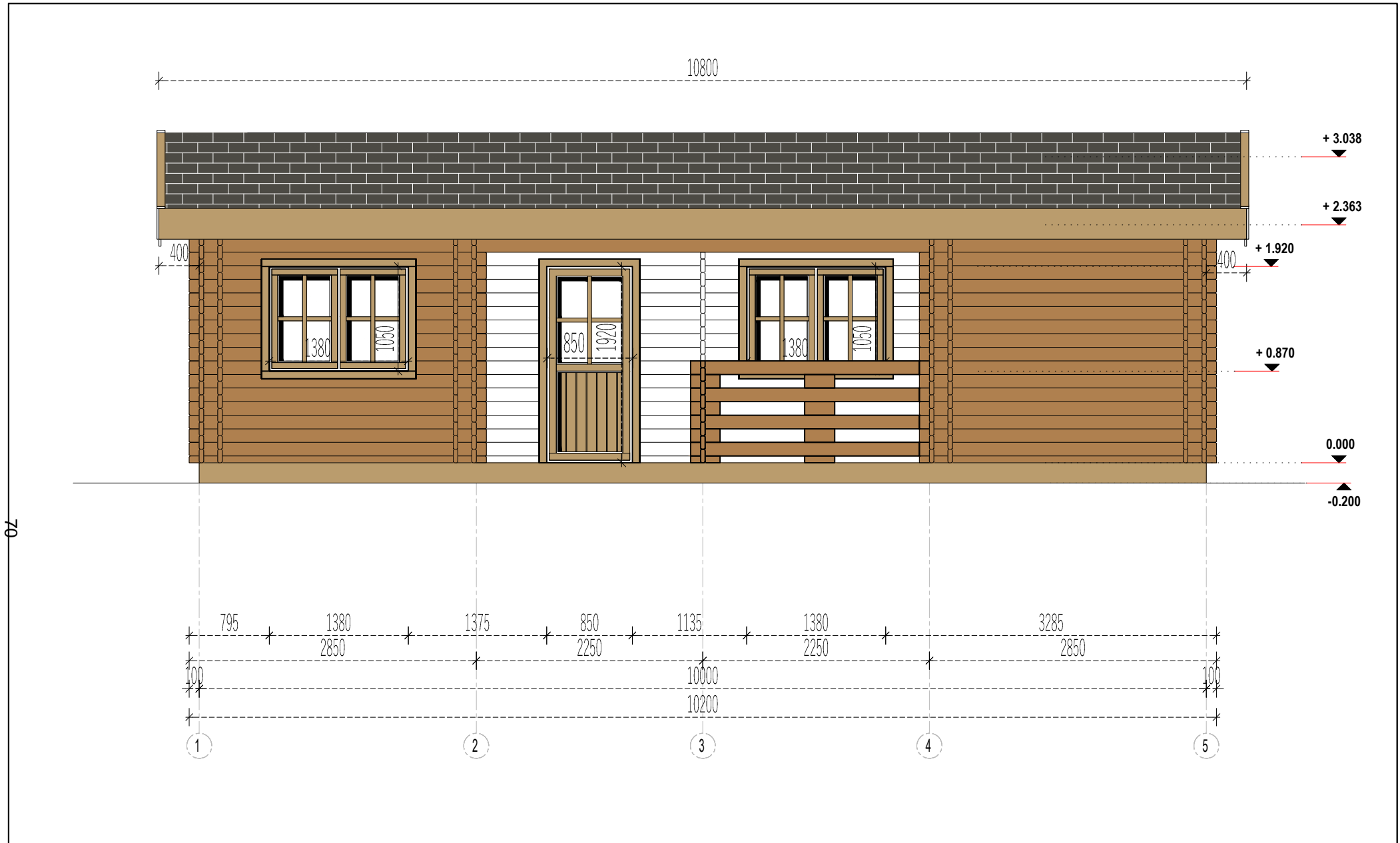
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|--|-------------|------|------|--|-----------------|----------------------------|----------------|------------------|-------------|--|-----------|
| | Project Nr. | | | | Interior area | 56.70 m² | Wall thickness | 44+140+44 | T.S. | Paper size / scale | A4 / 1:50 |
| | L_66455 | | | | Built - up area | 5.00 m² | Built height | min | 2363 | 1 cm - 0.50 meter 0 1.00 m 2.00 m 3.00 m | |
| | 2021-03-30 | Name | Date | | Roof angle | 11.3 ° | | max | 3038 | | |
| | | | | | Roof area | 82.50 m² | | ▲ | 742 | | |
| | | | | | Description | FACADE A-F | | | | | |



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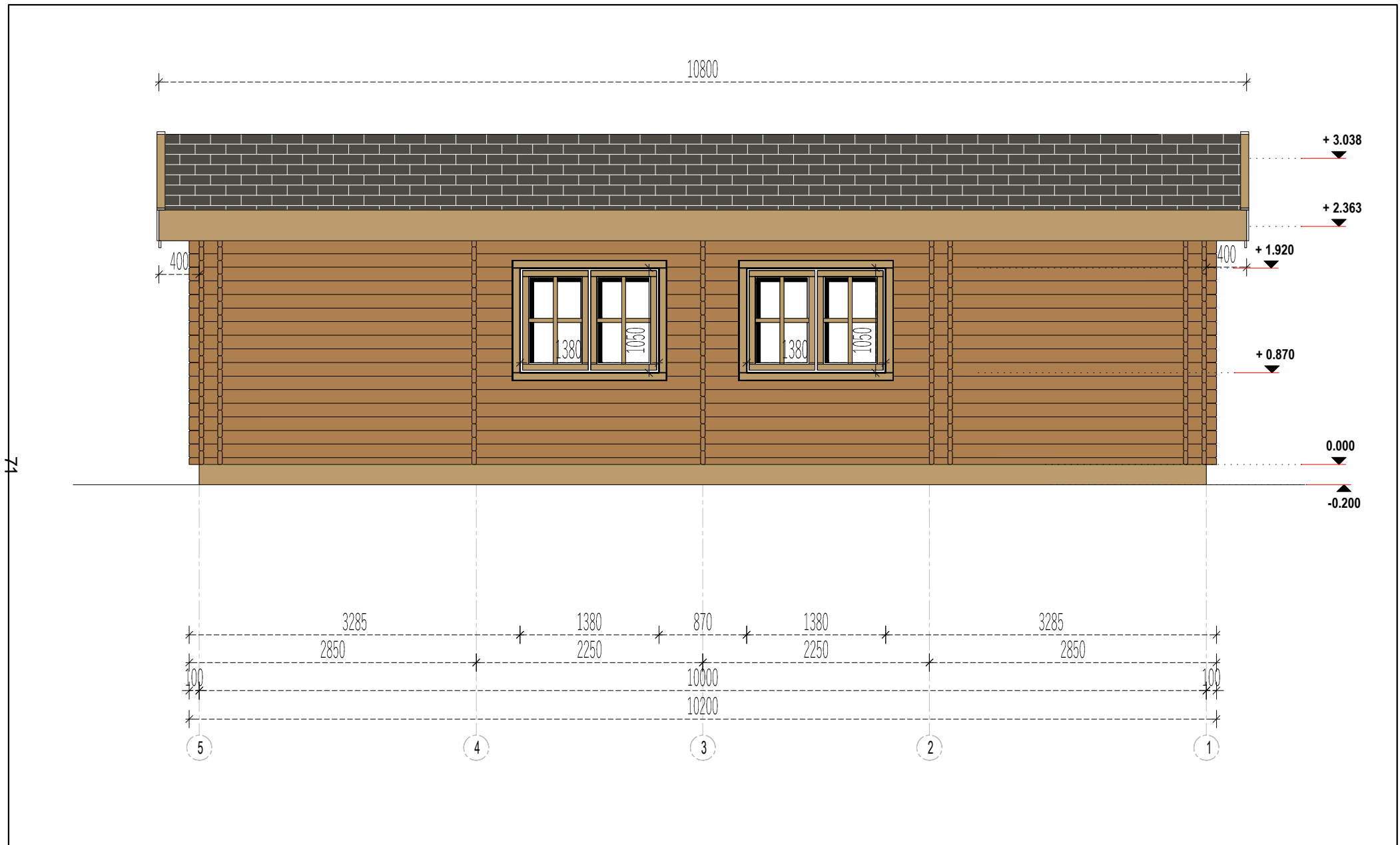
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|-------------|------|------|------------|----------------------------|----------------------------|----------------|------------------|-------------|--|-----------|
| Project Nr. | | | | Interior area | 56.70 m² | Wall thickness | 44+140+44 | T.S. | Paper size / scale | A4 / 1:50 |
| L_66455 | | | | Built - up area | 5.00 m² | Built height | min | 2363 | 1 cm - 0.50 meter 0 1.00 m 2.00 m 3.00 m | |
| 2021-03-30 | Name | Date | Roof angle | 11.3 ° | max | | 3038 | | | |
| | | | Roof area | 82.50 m² | ▲ | | 742 | | | |
| | | | | Description | FACADE F-A | | | | | |



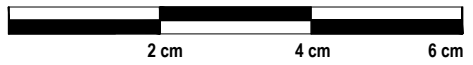
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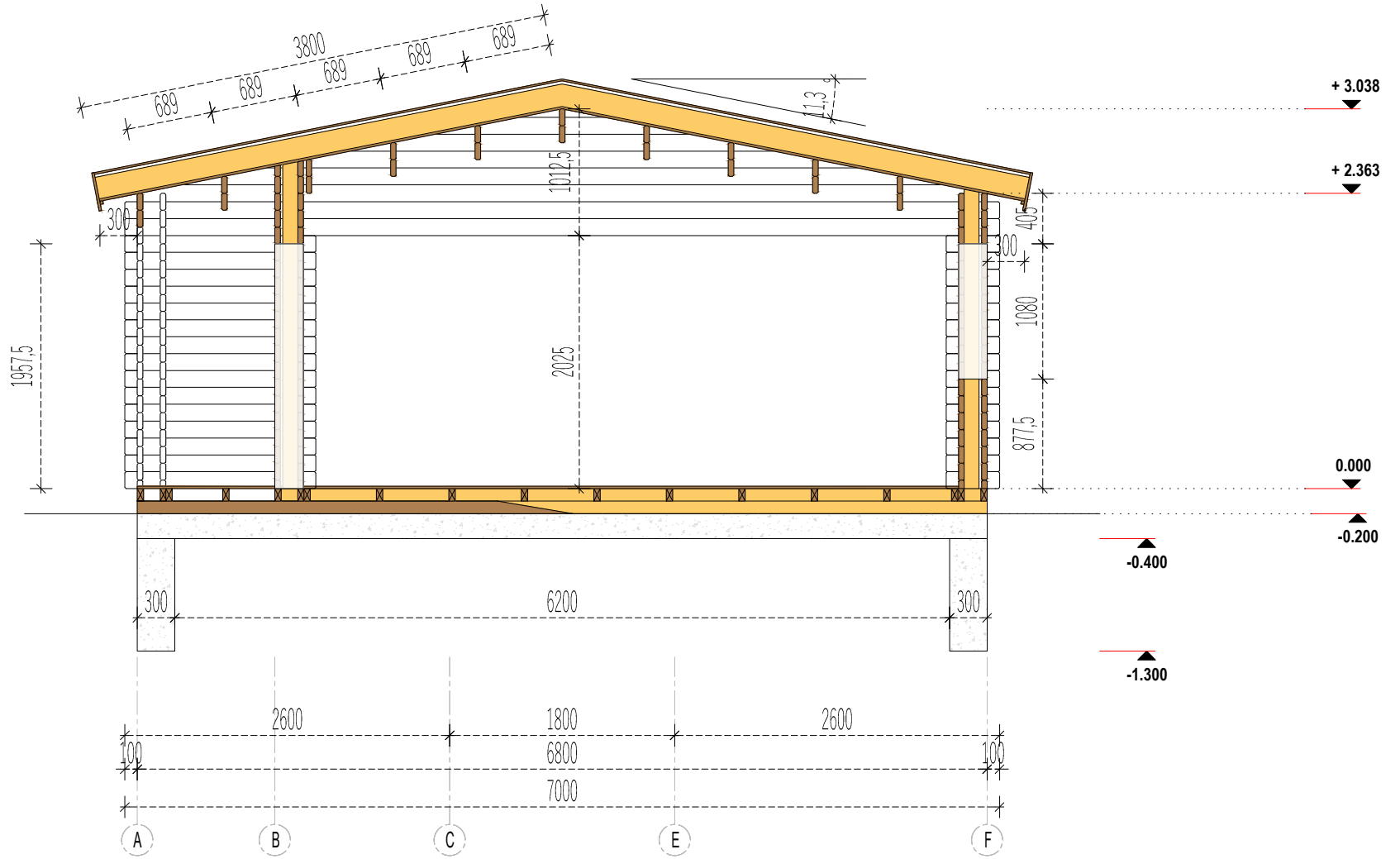
| | | | | | | | | | | |
|---|-------------|------|------|-----------------|----------------------------|----------------|------------------|-------------|--|-----------|
|  | Project Nr. | | | Interior area | 56.70 m² | Wall thickness | 44+140+44 | T.S. | Paper size / scale | A4 / 1:50 |
| | L_66455 | | | Built - up area | 5.00 m² | Built height | min | 2363 | 1 cm - 0.50 meter  2 cm 4 cm 6 cm | |
| | 2021-03-30 | Name | Date | Roof angle | 11.3 ° | | max | 3038 | | |
| | | | | Roof area | 82.50 m² | | ▲ | 742 | | |
| | Description | | | | FAÇADE 1-5 | | | | | |

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| | | | | | | | | | | | |
|---|-------------|------|------|--|-----------------|----------------------------|----------------|------------------|-------------|---|-----------|
|  | Project Nr. | | | | Interior area | 56.70 m² | Wall thickness | 44+140+44 | T.S. | Paper size / scale | A4 / 1:50 |
| | L_66455 | | | | Built - up area | 5.00 m² | Built height | min | 2363 | 1 cm - 0.50 meter   | |
| | 2021-03-30 | Name | Date | | Roof angle | 11.3 ° | | max | 3038 | | |
| | | | | | Roof area | 82.50 m² | | ▲ | 742 | | |
| | | | | | Description | FACADE 5-1 | | | | | |

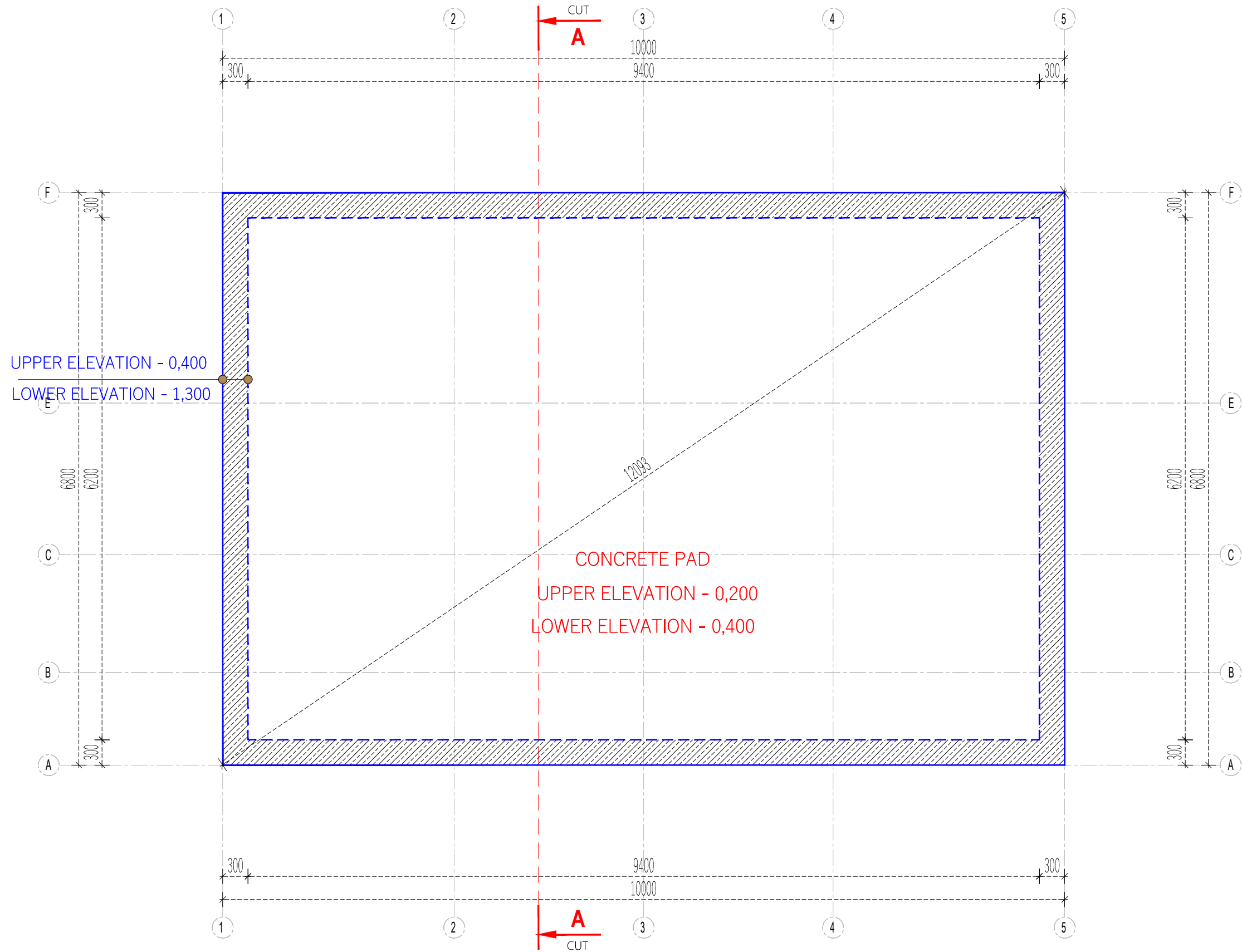
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72

| | | | | | | | | | | | |
|--|-------------|------|------|--|-----------------|----------------------------|----------------|------------------|-------------|-----------------------|-----------|
| | Project Nr. | | | | Interior area | 56.70 m² | Wall thickness | 44+140+44 | T.S. | Paper size / scale | A4 / 1:50 |
| | L_66455 | | | | Built - up area | 5.00 m² | Built height | min | 2363 | 1 cm - 0.50 meter | |
| | 2021-03-30 | Name | Date | | Roof angle | 11.3 ° | | max | 3038 | | |
| | | | | | Roof area | 82.50 m² | | ▲ | 742 | | |
| | | | | | Description | | | | SECTION A-A | | |
| | | | | | | | | | | | |

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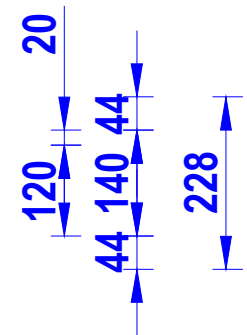
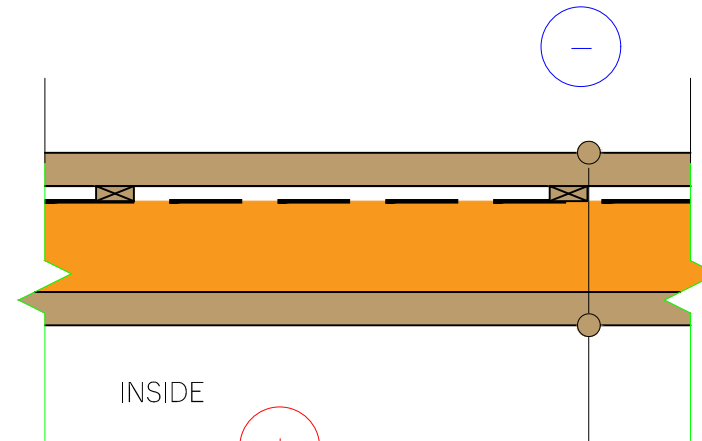
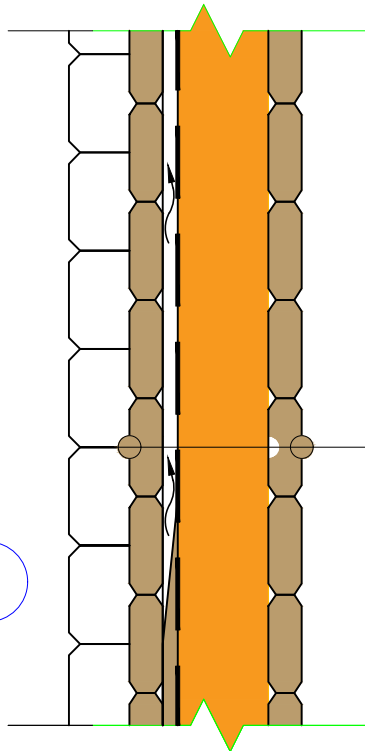
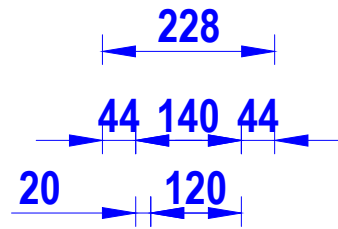


| | | | | | | | | | | | |
|--|-------------|------|------|------------|----------------------|----------------------|----------------|-----------|------|-----------------------|-----------|
| | Project Nr. | | | | Interior area | 56.70 m ² | Wall thickness | 44+140+44 | T.S. | Paper size / scale | A3 / 1:50 |
| | L_66455 | | | | Built - up area | 5.00 m ² | Built height | min | 2363 | 1 cm - 0.50 meter | |
| | 2021-03-30 | Name | Date | Roof angle | 11.3 ° | max | | 3038 | | | |
| | | | | Roof area | 82.50 m ² | ▲ | | 742 | | | |
| | | | | | Description | FOUNDATION PLAN | | | | | |

ISO 120
 U-value: 0,16 W/m²K

OUTSIDE

Scale 1:10 @ A4



- WALLBOARD 44x135MM,
- BUILT UP WALL 20X50MM
- VENTILATED CAVITY BETWEEN JOISTS 20MM,
- BREATHER MEMBRANE,
- ISOLATION, $\lambda = 0.022 \text{ W/(M/K)}$, 120MM,
- WALLBOARD 44x135MM,

(Optional) Not Supplied with the product,

OUTSIDE

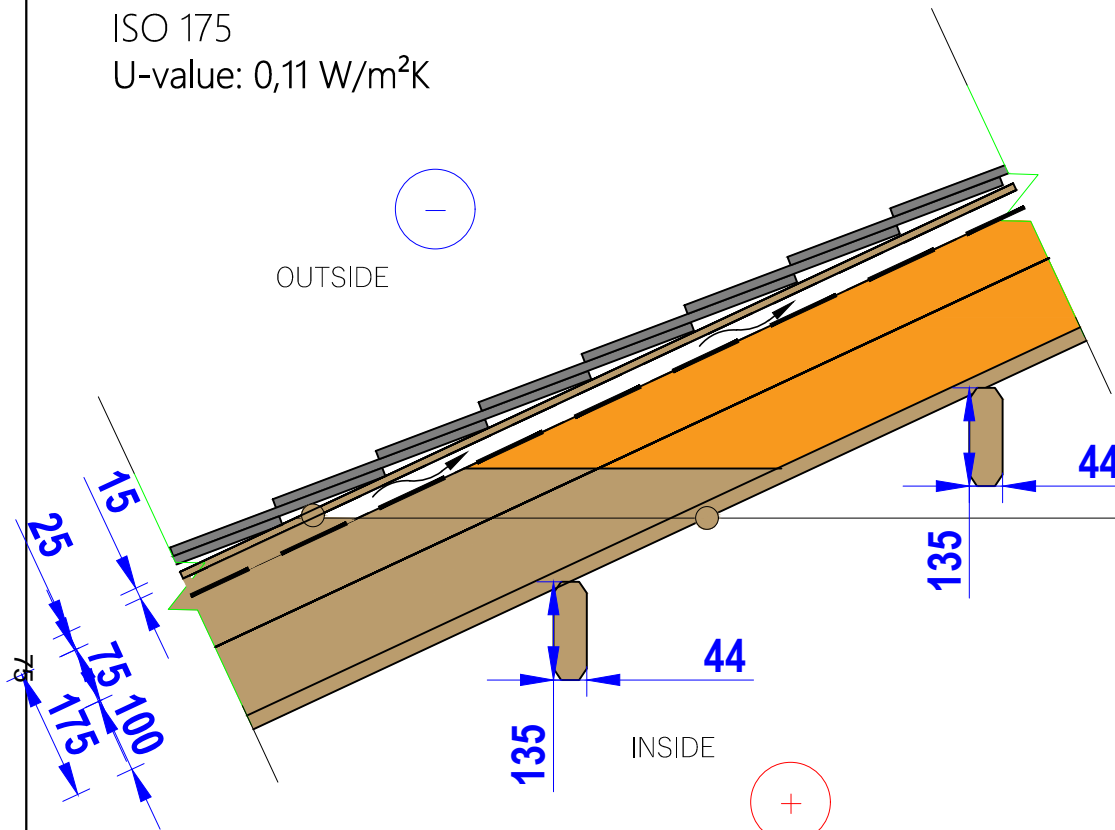
INSIDE

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| | | | | | | | | |
|--|---|---------------|--|----------------|-----|---------------------|--------------------|-----------|
| | 2019 | Interior area | | Wall thickness | | L.P. | Paper size / scale | A4 / 1:50 |
| | ISO 120 U-value: 0,16 W/m ² K | Built-up area | | Built height | min | 0 1 m 2 m 3 m 4 m | | |
| | | Roof angle | | | max | 2 cm 4 cm 6 cm 8 cm | | |
| | WALL | Roof area | | | ▲ | | | |

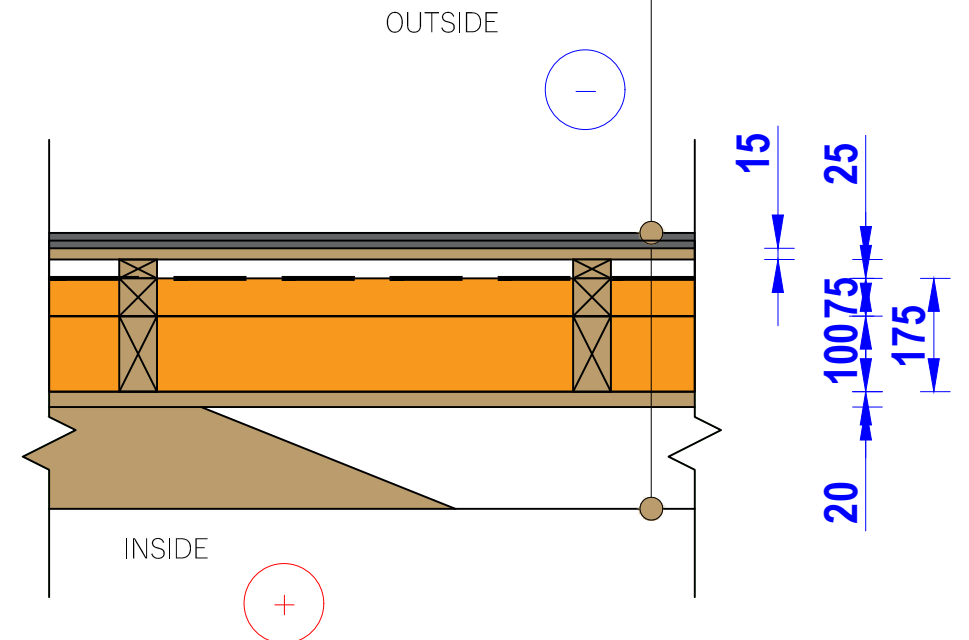
ISO 175
U-value: 0,11 W/m²K

Scale 1:10 @ A4



| |
|---|
| BITUMEN SHINGLES, |
| OSB 15MM, |
| BUILT , UP ROOFING 50X25MM, |
| VENTILATED CAVITY BETWEEN JOISTS 25MM, |
| BREATHER MEMBRANE, |
| BUILT , UP ROOFING 50X75MM, |
| ISOLATION, $\Lambda = 0.022W/(M/K)$,75MM, |
| BUILT , UP ROOFING 50X100MM, |
| ISOLATION, $\Lambda = 0.022W/(M/K)$,100MM, |
| TONGUE AND GROOVE ROOFBOARDS 20MM, |
| ROOF RAFTERS 44X135MM,. |

(Optional) Not Supplied with the product.



| | | | | | | | | |
|--|---|---------------|--|----------------|-----|------|--------------------|-----------|
| | 2019 | Interior area | | Wall thickness | | L.P. | Paper size / scale | A4 / 1:50 |
| | ISO 175 U-value: 0,11 W/m ² K | Built-up area | | Built height | min | | | |
| | ROOF | Roof angle | | | max | | | |
| | | Roof area | | | ▲ | | | |

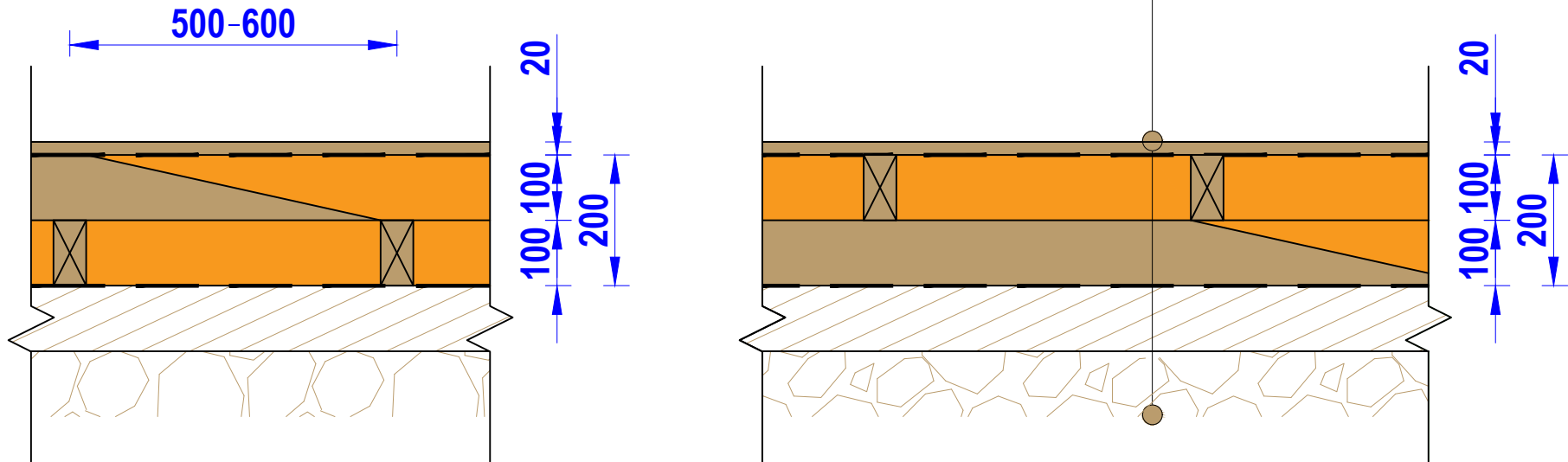
ISO 200
 U-value: 0,11 W/m²K

Scale 1:10 @ A4

TONGUE AND GROOVE FLOORBOARDS 20MM,
 BREATHER MEMBRANE,
 BUILT UP FLOORING, 50X100MM,
 ISOLATION, $\Lambda = 0.022\text{W}/(\text{M}/\text{K}), 100\text{MM},$
 BUILT UP FLOORING, 50X100MM,
 ISOLATION, $\Lambda = 0.022\text{W}/(\text{M}/\text{K}), 100\text{MM},$
 WATERPROOF MEMBRANE,
 CONCRETE,
 HARDCORE.

(Optional) Not Supplied with the product,

(Optional) Not Supplied with the product,



97

| | | | | | | | | | |
|--|---|---------------|--|----------------|-----|---------------------|--------------------|-----------|--|
| | 2019 | Interior area | | Wall thickness | | L.P. | Paper size / scale | A4 / 1:50 | |
| | ISO 200 U-value: 0,11 W/m ² K | Built-up area | | Built height | min | 0 1 m 2 m 3 m 4 m | | | |
| | | Roof angle | | | max | 2 cm 4 cm 6 cm 8 cm | | | |
| | FLOOR | Roof area | | | ▲ | | | | |

EASTWOODBURY LANE.

PAVEMENT

EXISTING HEDGES.

EXISTING HEDGES.

EXISTING CAR PARKING

EXISTING PLAY AREA.
FENCED.

EXISTING CAR PARKING

ECPA.
NEW
BUILDING.

CONCRETE SURROUND
PATH TO NEW BUILDING.

EXISTING CAR PARKING

EMERGENCY ROUTE

EXISTING
FENCED FOOTBALL
AREA.

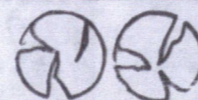
NOTE.
EASTWOOD BROOK MODEL LONG TERM
FLOOD LEVEL 14.17M AOD.

FINISHED FLOOR
LEVEL 300mm
ABOVE PREDICTED
FLOOD LEVEL
14.47M AOD.

KEY

— — — — — E.L.C. SITE BOUNDARY.

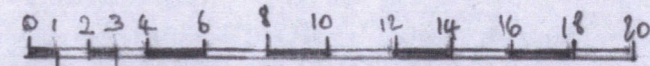
XXXXXX REMOVE EXISTING TREES AND



NEW TREES 18 No
NATIVE SPECIES
MIXTURE OF BROAD LEAF
AND POLINATORS TO BE AGREED WITH PARKS DEPT.
TOGETHER WITH EXACT POSITIONING.

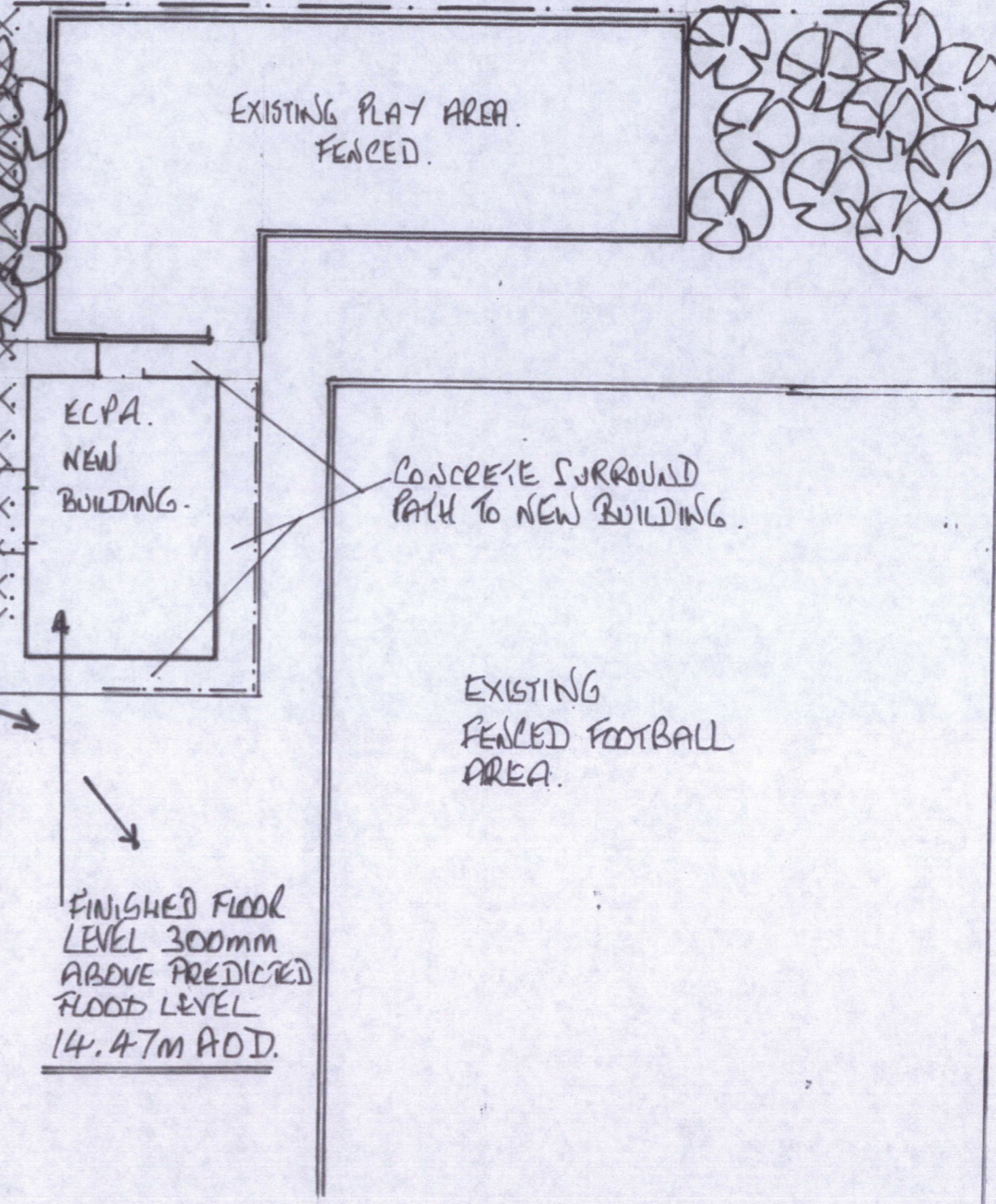
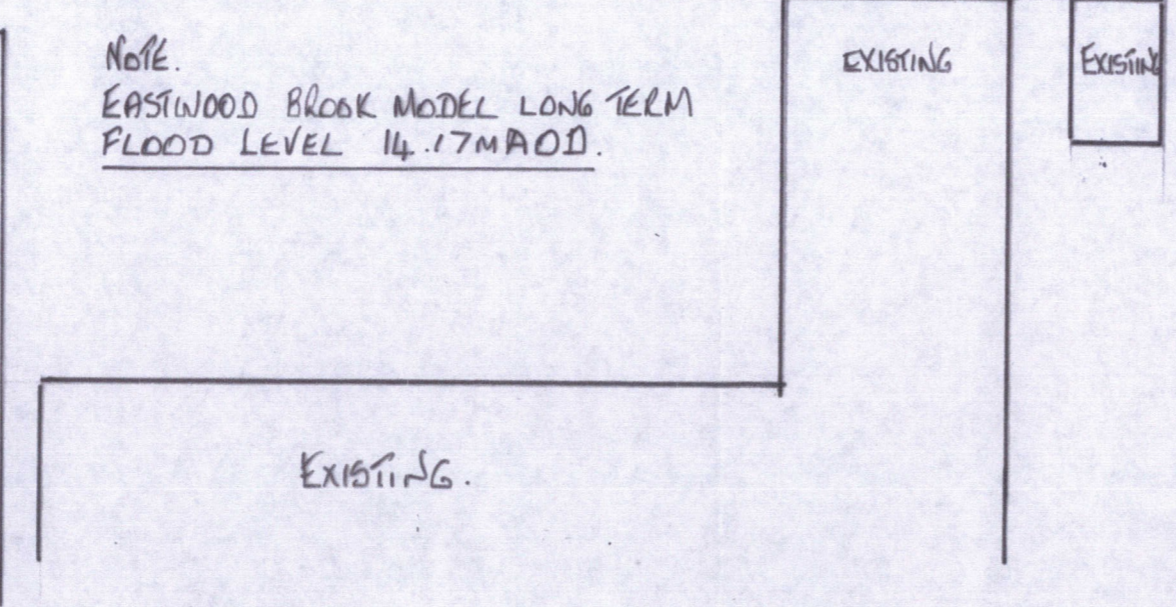
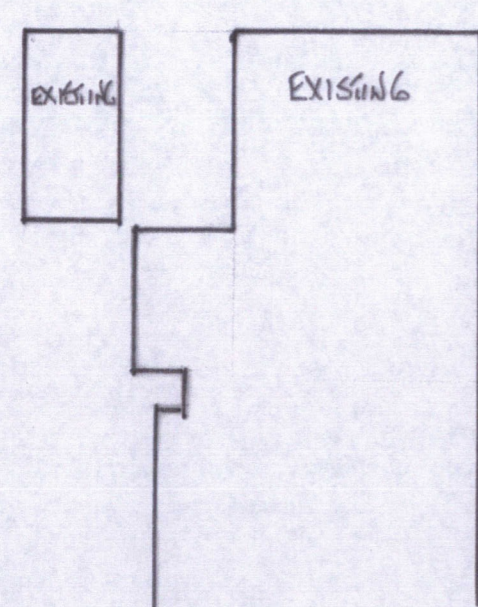
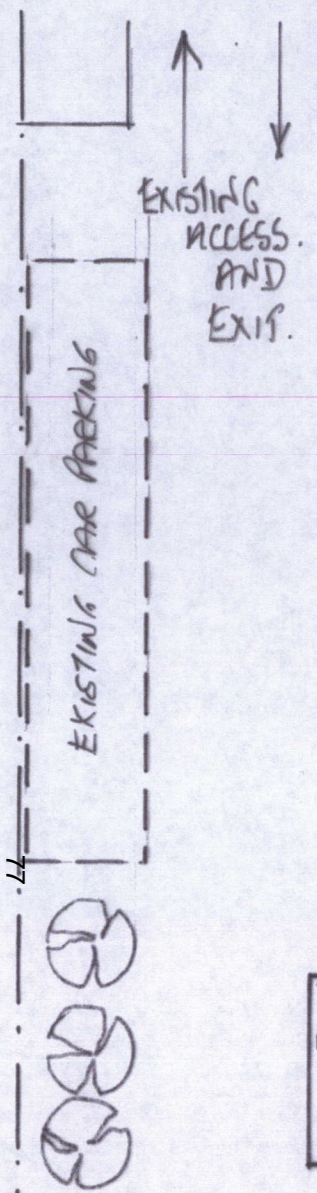
SITE LAYOUT PLAN FOR PLANNING

DRAWING NO B.M.001 REV A [FFL ADDED]
SCALE 1:250 @ A3 REV B NEW TREES
REV C NOTES TO PLANTING



LEN FORGE CENTRE.
SS2 6UH.

NEW BUILDING FOR
EASTWOOD COMMUNITY PLAYGROUP ASSOCIATION [ECPA]



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From site looking to access



Location of building to be where trees are (to be removed)



existing building



existing building



existing building



view to rear of site



sports pitches next to location of building



existing building



existing building



location of building proposed

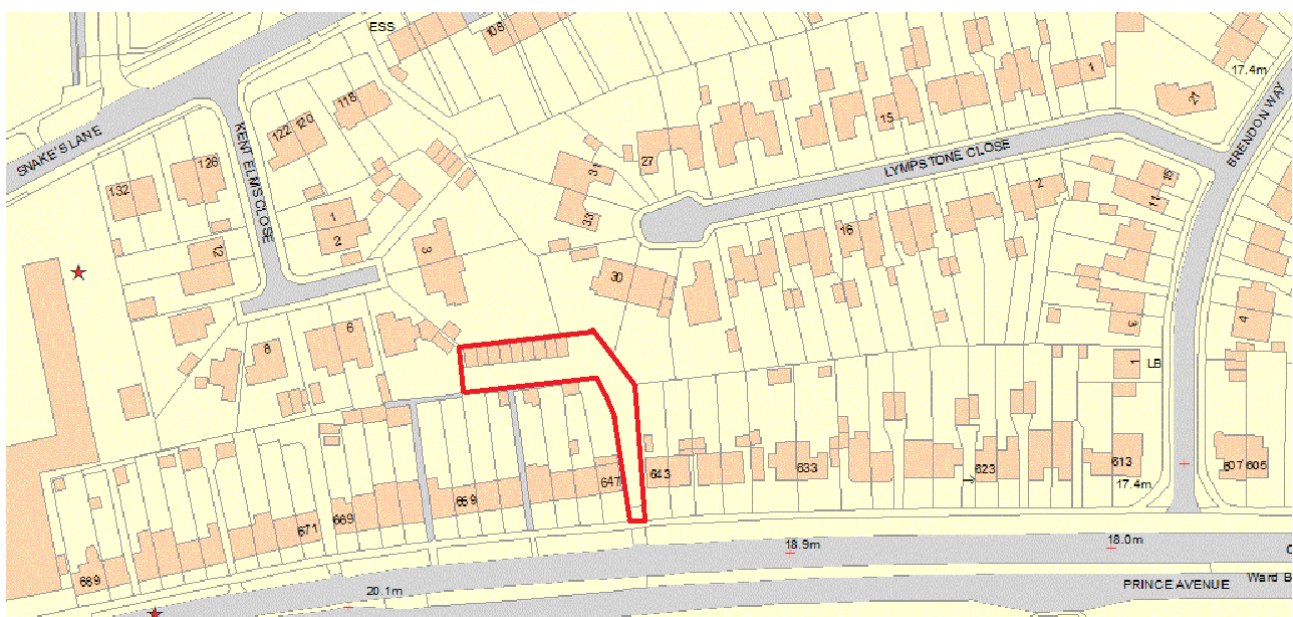


location of building proposed



Location of building proposed (where trees are)

| | | |
|------------------------------|---|------------|
| Reference: | 23/00987/OUT | <h1>7</h1> |
| Application Type: | Outline Application | |
| Ward: | St Laurence | |
| Proposal: | Demolish existing garage block and erect a pair of semi-detached dwellinghouses, layout parking to front and amenity space, bin and cycle storage to rear (Outline) | |
| Address: | Garages rear of 647 to 657 Prince Avenue, Westcliff-on-Sea | |
| Applicant: | Mr Andrew Timotheou | |
| Agent: | Mr Danny Knott of DK Building Designs | |
| Consultation Expiry: | 6th July 2023 | |
| Expiry Date: | 7th August 2023 | |
| Case Officer: | Hayley Thompson | |
| Plan Nos: | 3997-06-01, 3997-06-02 | |
| Supporting Documents: | Design and Access Statement, Indicative 3D plans | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site relates to an existing garage court behind dwellings at Nos 647 to 657 Prince Avenue (A127). Access to the garages is from Prince Avenue alongside No 647. Land levels slightly rise northwards. Historic mapping indicates that the garages were constructed between 1922 and 1939 at a similar time to the dwellings fronting the site in Prince Avenue. The site is within a generally residential area with some commercial uses to the west, at the junction where Prince Avenue meets Rayleigh Road to the north and Bridgewater Drive to the south around Kent Elms Corner.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 Outline permission, with all matters reserved, is sought to demolish the existing garage block and erect a pair of semi-detached chalet dwellinghouses.
- 2.2 Whilst scale, appearance, layout, access and landscaping are reserved matters, indicative plans have been submitted with the application, illustrating two, three bedroom dwellings measuring 85sqm and each with gardens. Each dwelling is indicated as having two parking spaces to the front and refuse and cycle stores. The proposal would be served by an existing point of access on Prince Avenue.

Relevant Planning History

- 2.3 22/00194/UNAU_B – Erection of building - Enforcement enquiry pending but application subsequently approved as in next entry below.
- 2.4 22/01880/FUL - Replace existing derelict garage with 1no. storage unit and erect 1no. storage unit (retrospective) – Granted

3 Representation Summary

Call-in

- 3.1 The application has been called in to Development Control Committee by Councillor Cowan.

Public Consultation

- 3.2 Thirteen (13no.) neighbouring properties were notified of the application by letter and a site notice was displayed. At the time of report preparation 7 letters of representation have been received from 5 households. Summary of objections:

- Concerns about privacy and overlooking
- Loss of light
- Concerns about noise, disturbance and traffic during construction
- Impact on residential amenity
- Concerns about highway safety
- Loss of off street parking for surrounding residents
- Breach of covenants
- Loss of biodiversity at the site
- Concerns about drainage
- Concerns about how utilities would serve the site
- Devaluation of properties

- Unable to view plans online [Officer comment: the plans are available in the Council's public access portal.]

[Officer Comment: These concerns are noted and all relevant planning considerations have been assessed within the appraisal section of the report, however, following an assessment of the planning application on its individual merits they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

Highways

- 3.3 No objection – off street parking has been provided for each dwelling which is policy compliant. Consideration has been given to the existing use which would generate more vehicular traffic than the proposed dwellings.

Environmental Health

- 3.4 The site has been used for garages and no information has been submitted regarding the actual use or history and a contamination assessment will be required. Due to the proximity of the proposed dwellings to other houses, any external lighting will need careful consideration. Conditions and informatives are recommended to address these matters.

Essex Fire and Rescue

- 3.5 No objection

Essex Police

- 3.6 No objection

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 4.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 4.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 4.6 Southend-on-Sea Design and Townscape Guide (2009)
- 4.7 Technical Housing Standards Policy Transition Statement (2015)
- 4.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 4.9 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

- 4.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 4.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5 Planning Considerations

- 5.1 The main considerations in relation to this outline application are the principle of the development, design and impact on the character of the area, living conditions for future occupiers, impact on the amenity of neighbouring properties, any traffic and transport issues, sustainability and CIL from the indicative information provided with this application.

6 Appraisal

Principle of Development

- 6.1 Paragraph 117 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.
- 6.1 The NPPF encourages effective use of land, in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 6.2 Given the nature and location of the proposal, the development constitutes backland development in an area currently comprising areas of hardstanding and a gravel access road with single storey garages. No objection in principle is raised to the broad principle of development of the site. The garages are presently used for storage and too small to be considered as usable parking spaces (minimum size required is 7m by 3m) and as such would not meet the adopted standards for garage parking. Although the wider area is subject to a degree of parking stress, whereby parking is not permitted on Prince Avenue, the use of the land as garaging, whether for lock up storage or car parking, does not represent the most efficient use of the land. No parking-based objection to the principle of their removal has been received from Highways.
- 6.3 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, providing approximately 40% of the additional housing that is required to meet its needs. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 6.4 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 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.

- 6.5 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 as the proposal would provide two family sized three bedroom dwellings.
- 6.6 Policy DM7 advises that the Council will look favourably upon the provision of family sized housing on smaller sites, particularly where surrounding building types provide an appropriate context for this type of development.
- 6.7 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.”
- 6.8 The surroundings are largely residential in character, comprising two-storey buildings to the north and south and chalet and bungalow dwellings to the east and west of the site. As such the principle of providing new dwellings need not be out of keeping within these surroundings. A development of two semi detached chalet style houses (i.e. single storey dwellings with first floor accommodation contained within the roofspace) can align reasonably with the prevailing urban grain conforming to the mainly residential setting of the locality.
- 6.9 Matters relating to living conditions, impact on neighbouring amenity and ecology in line with Policy DM3 above have been assessed in more detail in the relevant sections of the report and overall have not been found to conflict with this policy. This is only a preliminary assessment based on the indicative plans submitted, given that this application is outline in nature, with all matters reserved. Those material planning considerations would be determined in more depth at reserved matters stage, should outline permission be granted.
- 6.10 In light of the above, the provision of a residential development of two semi-detached, chalet style dwellings in this location is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 6.11 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.
- 6.12 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.

- 6.13 Matters of detailed design including appearance, landscaping, layout and the scale of the proposed development are reserved matters and as such, cannot be subject of a detailed assessment by the Local Planning Authority at this stage. However, the indicative plans illustrate how a pair of chalet designed dwellings could be accommodated on the site. No weight should be attached to such illustrative plans in the determination of the application, but it can reasonably be concluded that in terms of scale, the site is reasonably capable of accommodating two chalet style dwellings that would have a similar or lesser scale to existing surrounding dwellings, which are mainly a maximum of two-storey in nature, with some chalet and bungalow dwellings in the wider locality. Although dwellings fronting Prince Avenue are linear in their arrangement, dwellings in the roads northward of this part of Prince Avenue are less regularly sited, notably Kent Elms Close and Lymphstone Close where their cul de sac arrangement places houses and their plots at angles to each other behind the application site. Within this varied layout context, in which there is no overriding regularity to the housing layout or urban grain, it is considered that laying out housing to face east/west along the application site's axis would not cause any significant harm to local character. There is considered to be additional space within the site to accommodate 2 parking spaces per dwelling and landscaping.
- 6.14 As such, subject to consideration of the detailed scale of the development which in turn will enable assessment of the development's height, width and length and to detailed consideration of layout, which will in turn enable assessment of the development's siting, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development, it is considered that two houses could reasonably be accommodated on the site in these respects. A condition specifying a maximum scale to the development is recommended in the interests of local character and also third party amenity as included in the relevant amenity section of this report, further below. The design and appearance of surrounding development is mixed. The proposal's appearance in terms of design detailing, fenestration and materials, plus landscaping, will be considered at reserved matters stage and/or at condition details stage. No objections are identified on this basis.
- 6.15 Overall, it is considered that site is capable of accommodating the development proposed in a manner that need not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. Subject to the described conditions it is considered that a development of the type proposed is reasonably capable of being acceptable and policy compliant in this respect.

Living conditions for future occupiers

Space Standards and Amenity Provision

- 6.16 No weight should be attached to illustrative plans in the determination of the application, but these indicate that it is possible to accommodate two dwellings on the site which would be capable of meeting the national housing standards. Assessment of these requirements will be undertaken at the reserved matters stage.
- 6.17 Each dwelling is capable of having a garden to its rear, indicatively shown here as 68sqm and 74sqm. Gardens of such a size would provide adequate living conditions for any future occupiers of the site, including for amenity, cycle parking and refuse and recycling storage as necessary. The potential alignment of the dwellings indicates reasonably that there need be no harmful interlocking, dominance, overbearing impact or loss of light and outlook between the new properties proposed. It is therefore considered that a development of the type proposed would be capable of being acceptable and policy compliant in this respect.

Accessible and Adaptable Dwellings

- 6.18 Supporting information in the Design and Access Statement submitted with the application confirms that both houses would meet M4(2) standards This can be secured by condition.
- 6.19 Subject to the described conditions it is considered that a development of the type proposed is reasonably capable of being acceptable and policy compliant in terms of the standard of accommodation for future occupiers.

Amenity Impacts

- 6.20 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.21 The application site is bounded by domestic rear gardens. The length of neighbouring rear gardens in Prince Avenue are at least 20m, in Kent Elm Close are 11.6m and Lymstone Close are 9m. As this is an outline application seeking only to establish the principle of the development there is not yet any information on the internal layouts of the new dwellings, although these are shown for indicative purposes only in a submitted drawing. These must be treated solely as an illustration. Having regard to the site's size, its disposition and relationship to neighbouring houses and their gardens it is considered that a two dwelling development could be designed on the site capable of ensuring there would be no significantly harmful overlooking, loss of privacy, dominance or harm to light and outlook for neighbouring residents. This would involve for example ensuring that the primary outlooks from upper floor habitable rooms were positioned so as to concentrate their outlook into the site itself rather than unreasonably towards/ into neighbours' gardens and dwellings. Subject to conditions controlling permitted development, obscure glazing and limiting the development scale, it is considered that the proposed development is reasonably capable of being designed such that it need not significantly harm neighbours' amenity in the above regards.
- 6.22 Given the existing use of the site for garaging, the quantum of development proposed and the residential nature of the existing area, it is considered that the two new dwellings and the two car parking spaces which would be required for each dwelling to meet adopted minimum parking standards would not significantly harm the amenity of neighbouring residents in terms of noise and disturbance or any other relevant regards.
- 6.23 It is therefore considered that subject to the described conditions a two dwelling development is reasonably capable of being accommodated on the application site in a manner that need not significantly harm the amenities of the site, neighbouring occupiers or wider area in any relevant regard in which case it would be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 6.24 The means of access for the development within the site will be considered in detail as a reserved matter should outline permission be granted. The point of access for the site will be from Prince Avenue. The NPPF states (para 111) 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.”

- 6.25 Policy DM15 states that new dwellings of the type envisaged here should have a minimum of two off-street parking spaces each. It is considered that the site is reasonably capable of accommodating this together with a turning area and waste storage provision all in association with the new buildings, their amenity areas, landscaping and a satisfactory means of access.
- 6.26 The Council’s Highways officer raised no objection to the proposal noting that the existing use of the site as garages would/ could generate more vehicular traffic than the proposed two dwellings. No parking, highway safety or traffic network objections are raised.
- 6.27 It is considered that the proposal’s impact would be acceptable and policy compliant in the above regards.

Sustainability

- 6.28 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), such as those set out in Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.” Policy DM2 of the Development Management Document also states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.”
- 6.29 No information is submitted for 10% renewable energy provision for this outline proposal. This would accompany a future detailed reserved matters submission and/or can be secured by condition.
- 6.30 Policy DM2 (iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd 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. No information is submitted for water efficiency provision for this outline proposal. This would accompany a future detailed reserved matters submission and/or can be secured by condition.
- 6.31 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. No information is submitted for drainage provision for this outline proposal. This would accompany a future detailed reserved matters submission and/or can be secured by condition.
- 6.32 Given the current use of the site as garages, contamination may be present. Subject to conditions requiring pre-development assessment, remediation and verification reporting, the proposal is considered to be acceptable and policy compliant in this respect.

Ecology

- 6.33 The NPPF states that “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
- 6.34 Planning Practice Guidance refers to Natural England’s standing advice for protected species. The Standing Advice requires that impacts are identified and mitigated where possible and that compensation measures are used to offset any remaining impacts.
- 6.35 The site is not within the vicinity of any protected trees. No details have been submitted to assess whether the existing garages are a potential site for roosting bats and therefore it is recommended that appropriate assessment, risk reduction measurements and scope for any mitigation are secured by condition.

Recreational disturbance Avoidance Mitigation Strategy (RAMS).

- 6.36 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging 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. 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 is proposed to be adopted by Full Council on 29th October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 6.37 This payment has been made and the proposal is considered to be acceptable and policy compliant in this regard.

CIL

- 6.38 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material ‘local finance consideration’ in planning decisions. As this is an outline application the CIL amount payable will be calculated on submission of a reserved matters application(s) at which point the floorspace figures will be confirmed.

Equality and Diversity Issues

- 6.39 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended) and the purpose of the access and hardstanding to improve the access requirements of a disabled person. They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 6.40 This proposal creates new housing on a brownfield garage site. Therefore, if any harm were identified it would be necessary to demonstrate that in reaching the 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.
- 6.41 Having taken into consideration all material considerations and having regard to the neighbour representations received, it is found that the proposed development, subject to appropriate conditions, is acceptable and would be in accordance with the Development Plan. The quantum of development sought could be reasonably achieved on site in a manner and with the access arrangements proposed such that it need not cause any significant harm to local character, neighbours' amenity, future occupiers' living conditions, or highway related matters. The outline application is therefore recommended for approval, subject to conditions.

7 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 **Details of the access, appearance, layout, scale and landscaping (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.**

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

- 02 **The development hereby permitted shall be carried out in accordance with the following approved plan: 3997-06-01.**

Reason: To ensure that the development is carried out in accordance with the Development Plan.

- 03 **Except for demolition and site preparation works, no development above ground level shall be undertaken until and unless full product details of the materials to be used on all of the external elevations of the development hereby approved, including walls, roof including any dormers, ridge tiles, fascia and soffits, windows and doors including porch canopies, any garage doors, balconies and balustrades, ramps, hardstandings and boundaries 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 fully in accordance with the approved details before it is first occupied.**

Reason: In the interests of visual amenity and to ensure that the appearance of the development makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), 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).

- 04** The landscaping details submitted with any Reserved Matters application pursuant to this outline planning permission shall include, but not be limited to:-
- i.** Full landscaping details (size, number, species together with a planting specification and management plan)
 - ii.** Details of means of enclosure of the site and within the site including any walls, gates or boundary fencing;
 - iii.** Details of hard surfacing including any ramps to the front and rear elevations, and details of exterior lighting;
 - iv.** Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.
 - v.** Details of measures to enhance biodiversity within the site.

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 hereby approved. 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 approved in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 05** Except for demolition and site clearance no development above ground level shall be undertaken unless and until full details of refuse, recycling and covered and secure cycle storage to be provided for each dwelling at the site 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 and completed in accordance with the approved details before it is first occupied and the approved facilities shall be made available prior to first occupation and shall be retained as such for the lifetime of the development.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM1 and DM15 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 06** A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied, where feasible, using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development hereby approved. This provision shall be made for the lifetime of the

development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM2 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 07** Prior to the first occupation of the development hereby approved, appropriate 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), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented and retained as such in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 08** A minimum of two parking spaces to serve the two residential dwellings hereby approved, and one active electric vehicle charging point per dwelling shall be provided and made available for use within the site prior to the first occupation of any part of the residential development hereby approved and shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwellings and their visitors and for no other purpose.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets the requirements of the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM15 and advice within the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 09** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide 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 including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. noise mitigation measures to be used at the site;

Reason: This pre commencement condition is required to protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM15.

- 10** The development hereby approved shall be carried out in a manner to ensure the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are first occupied.

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM8 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 11** Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or Public Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 12** Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. The glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority. 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. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 13** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, AA, B, C, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to

safeguard the character of the area, in accordance the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 14 No development shall commence, unless and until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority.

The results of the site investigation shall be made available to the Local Planning Authority before any construction begins. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority. Development must be halted on that part of the site until an assessment has been undertaken specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted and approved in writing by the Local Planning Authority.

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: This pre-commencement condition is needed to ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM14 of the Southend-on-Sea Development Management Document (2015).

- 15 No development shall commence until and unless bat surveys of the existing garages have been undertaken to determine whether bats are present within the existing buildings. The results of the survey and any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. If bats are found to be present, no demolition work shall take place until and unless an acceptable mitigation scheme has been approved in writing by the Local Planning Authority. The development shall commence and proceed only in accordance with the approved mitigation scheme(s).

Reason: A condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, and Development Management Document (2015) Policy DM2.

- 16 The development hereby otherwise approved shall not exceed a single storey with first floor accommodation contained within the roofspace.**

Reason: In the interests of neighbour amenity and visual amenity and to ensure that the appearance of the development makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), 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).

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 proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal \(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy\)](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).**
- 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 In the assessment and determination of this application the indicative dwellings layout has been treated as for illustrative purposes only.**

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11. PIER HILL, SOUTHEND-ON-SEA, ESSEX, SS1 2EQ REF: -23/00793/FOL

ROLLER SHUTTER - AMENDED PLAN.

1:20 @ A4



4800

Reverse Shutter

Remote operated Motor

107

2750

Solid Orange Powder Coated Shutter

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| | | |
|--------|--|---------|
| DRG NO | 3997-06-1 | |
| Date | May 2023 | A1 size |
| Title | Demolish garage block and construct two dwellings at rear of 647 Prince Avenue Westcliff -on-Sea | |

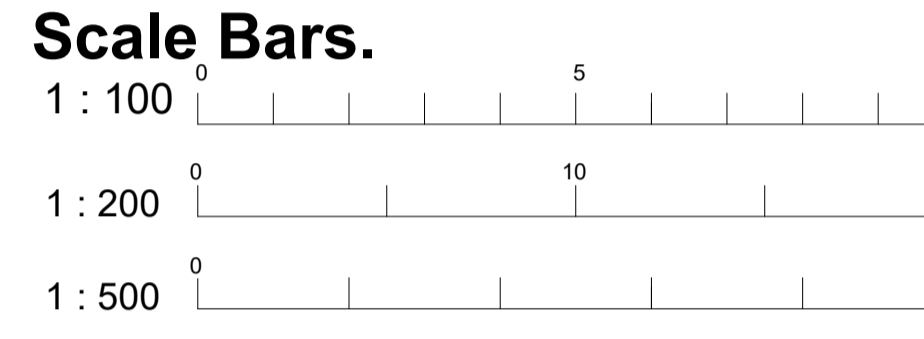
Notes

All dimensions and or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.

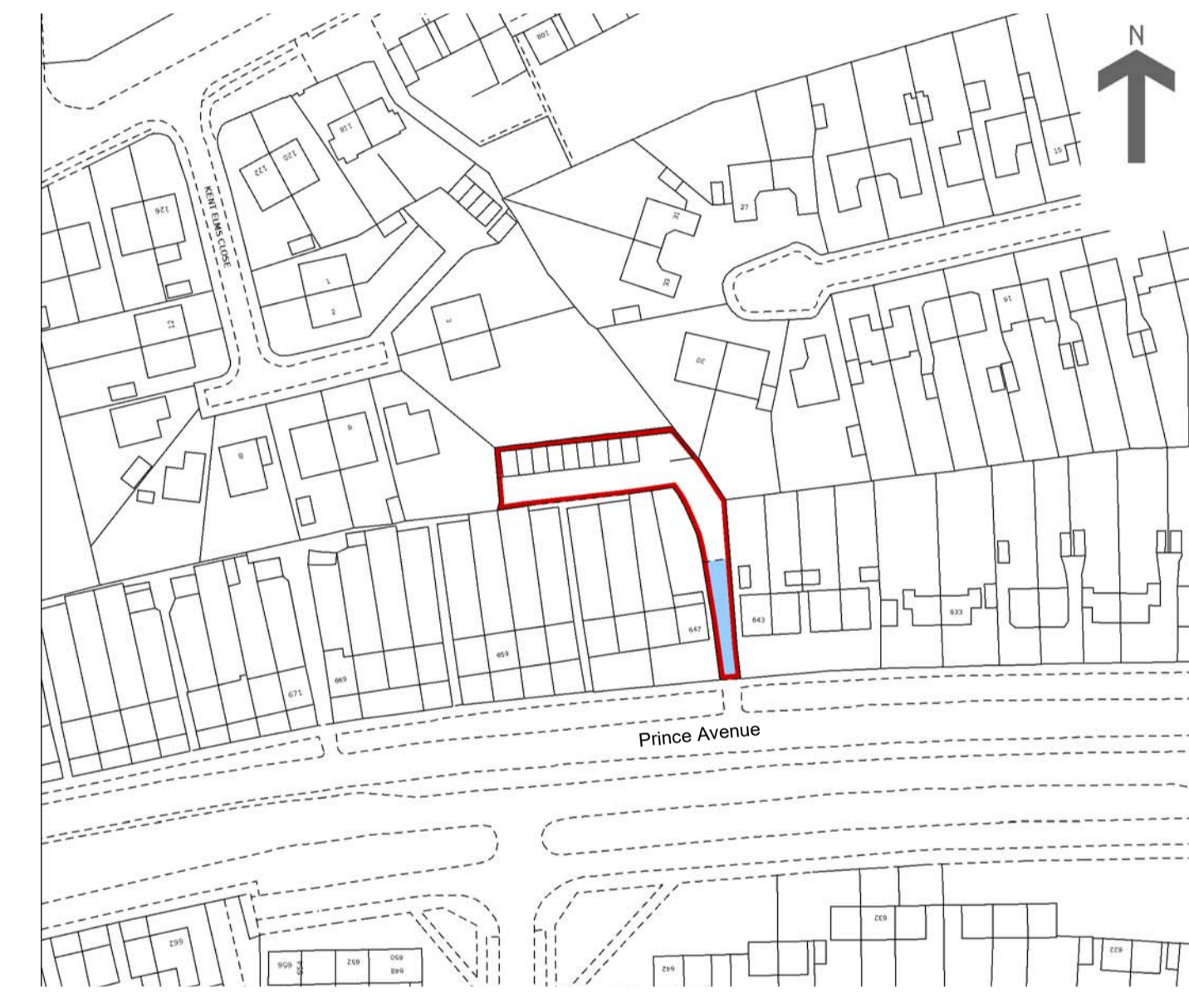
Plans are copyright and are not to be used without consent from DK Building Designs.

If applicable, clients / contractor to liaise with neighbours to abide with party wall act etc

All beam calculations (if applicable) as per separate sheet. All stated spans of beams on calculation sheet are clear spans only between supports. Contractor to confirm all spans on site and if applicable to add end bearings prior to ordering. Beams to cover full length of padstones.



Site Plan Existing
1 : 200



Location Plan
1 : 1250

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| | | |
|--------|--|---------|
| DRG NO | 3997-06-2 | |
| Date | May 2023 | A1 size |
| Title | Demolish garage block and construct two dwellings at rear of 647 Prince Avenue Westcliff -on-Sea | |

Notes

All dimensions and or load-bearing walls to be checked and agreed on site as correct by contractor prior to commencement of works and ordering of materials. Any discrepancies to be reported to DK Building Designs prior to commencement of works. DK Building Designs will accept no responsibility for works commenced on site prior to planning approval (if relevant) and building control approval.

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Garages rear of 547 - 657
Prince Avenue



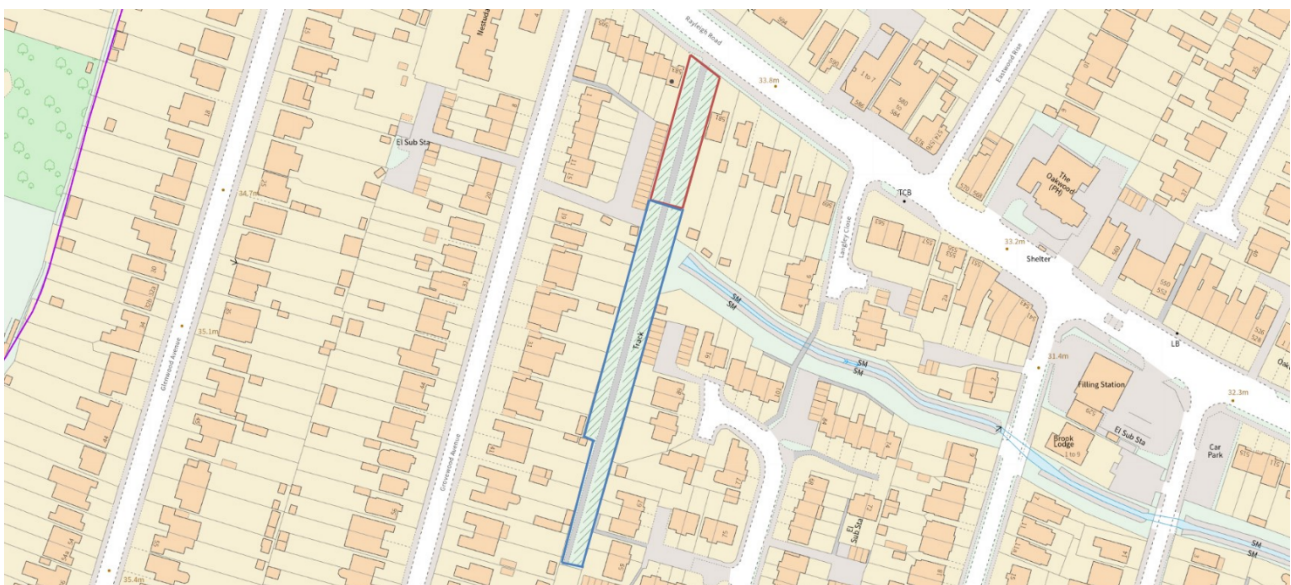








| | | |
|--------------------------------|--|----------|
| Reference: | 23/00242/FUL | 8 |
| Application Type: | Full Application | |
| Ward: | Eastwood Park | |
| Proposal: | Erect a detached dwellinghouse on vacant land with amenity space at rear and relocate existing vehicle crossover on to Rayleigh Road (Amended proposal) | |
| Address: | Land between 581– 583 Rayleigh Road, Eastwood, SS9 5HR | |
| Applicant: | Mr A Bush | |
| Agent: | Mr A Davison of Brian Davison Associates | |
| Consultation Expiry: | 23.03.2023 | |
| Expiry Date: | 04.08.2023 | |
| Case Officer: | Scott Davison | |
| Plan Nos: | 1697/S1/E, 1697/ES1/D, 1697/ES1/E, 1697/300/E & 1697/301/D | |
| Additional information: | Planning, Design and Access Statement dated Jan 2023 ref. 1697-C, Material Specification Schedule, Building Regulations M4(2) checklist, Flood Risk Assessment by Civil Engineering Solutions dated January 2023, & Badger Assessment by ACJ Ecology dated January 2023, Construction Method Statement by Brian Davison Associates dated June 2023 & Site Plan 1697/CP/F | |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions | |



1 Site and Surroundings

- 1.1 The application site is a vacant plot of land on the southern side of Rayleigh Road. The land was formerly the access point within a larger pumping station facility which encompassed two further areas of land to the south of this application site. The current ground levels of the site have been artificially raised using spoils from the dig-out of Anglian Water's surface water pipe (now unused) and is therefore higher than the adjoining plots by some 600-800mm. There is an existing vehicle crossover to Rayleigh Road. The proposal does not include the removal of the Culvert serving Eastwood Brook, which runs through the adjacent non-developed land to the south, which is land that is not included within the red line of this application site.
- 1.2 The southernmost area of former pumping station land has been redeveloped under planning permission ref. 20/00482/FUL to form 4 detached bungalows accessed from Grovewood Avenue. Immediately to the south of the application site, but not part of it, is a middle plot of unused land some 144m in length between this application site and dwellings in Grovewood Avenue denoted by a blue line on the submitted plans.
- 1.3 The surrounding area is residential in character comprising detached, semi-detached and terraced dwellings along Rayleigh Road and the rear of dwellings, gardens and lock-up garages along Grovewood Avenue. There are some mature street trees in this part of Rayleigh Road.
- 1.4 The site is within flood zones 1 and 2 and Eastwood Brook is situated approximately 20m south of the site boundary. It is not subject to any other site-specific planning policies or designations.

2 The Proposal

- 2.1 The application seeks planning permission for the erection of a two-storey dwelling, the same building as proposed in the previously refused application: 22/00901/FUL. The proposed dwelling would have ground and first floor projections to its rear as well as a single storey garage to the side. The dwelling would be some 7.7m high, 8.1m wide and a maximum depth of some 13m. At both single and two storey level, the built form of the house would be set some 4.2m in from the eastern boundary and some 1m in from the western boundary. Its garage would be set some 1.5m in from the eastern boundary.
- 2.2 Access would be from Rayleigh Road via a new repositioned 4.8m wide crossover. A pedestrian access from Rayleigh Road some 1.2m wide would be maintained to the eastern side of the site, allowing access to the plot of land to the rear. This access would be gated with the existing eastern boundary treatment retained and a new 0.9m to 1.8m high boundary treatment provided between the plot of the proposed dwelling and the accessway to be provided.
- 2.3 The proposed dwelling would have a gross internal area (GIA) of some 188sqm. On the ground floor, there is an entrance hall, W.C, store, kitchen/dining room, a living room and a utility room. Four first floor bedrooms are proposed between 8sqm and 14.6sqm. An attached garage some 3.3m x 7.3m is proposed to the eastern side of the dwelling together with a hard surfaced area to the front to provide off-street parking. There would be a rear garden some 36m deep.
- 2.4 The proposed external materials include brick (Wienerberger "Hathersage" blend), concrete roof tiles (Marley modern concrete antique red/brown) and white UPVC windows with a grey garage and front door. The boundary treatments will be timber close boarded 1.8m high fences to the side and rear boundaries with a 0.9m high fence to the front garden side fence. The front boundary will be open. Block paving will be "silver

haze” Brett Beta blocks.

- 2.5 This application follows refusal of planning application ref: 22/00901/FUL described as; “Erect a detached dwellinghouse on vacant land with amenity space at rear and relocate existing vehicle crossover on to Rayleigh Road (Amended proposal)” for the following reason:

01. The site lies partially within flood zone 2 and adjacent to flood zone 3. The applicant has failed to demonstrate that the development will not result in significantly harmful increased flood risk to surrounding occupiers as a result of the proposed reduction in ground levels across the application site. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), and Policies KP1 and KP2 of the Core Strategy (2007).

- 2.6 The main difference between the proposal and the refused scheme (ref: 22/00901/FUL)* is that a more detailed flood risk assessment has been submitted with this application.

***The report for the previous application is appended as Appendix 1**

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

| Reference | Description | Outcome [Date] |
|------------------|---|-----------------------|
| 21/01853/FUL | <p>Remove non-functional rainwater culvert and erect a detached dwellinghouse on vacant land with amenity space at rear and relocate exiting vehicle crossover on to Rayleigh Road.</p> <p>The proposed development by reason of its mass, height, width, resulting overall scale and contrived design results in a bulky, incongruous form of development materially out of keeping with its context and harmful to the character and appearance of its surroundings. This would be unacceptable and contrary to the National Planning Policy Framework (2021), 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).</p> <p>The proposed development would result in an undue sense of enclosure and a loss of outlook to the</p> | Refused 17.12.2021 |

| | | |
|---------------|---|--------------------|
| | <p>neighbouring dwelling, No 581 Rayleigh Road which would be materially harmful to the amenities of the occupiers of that property. This is unacceptable and contrary to the National Planning Policy Framework (2021), 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).</p> <p>Insufficient information has been submitted to demonstrate that the proposed development would not be harmful to wildlife and that wildlife and biodiversity mitigation measures to protect species would be incorporated into the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 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).</p> | |
| 22/00901/FUL* | <p>Erect a detached dwellinghouse on vacant land with amenity space at rear and relocate existing vehicle crossover on to Rayleigh Road (Amended proposal). Refused</p> <p>The site lies partially within flood zone 2 and adjacent to flood zone 3. The applicant has failed to demonstrate that the development will not result in significantly harmful increased flood risk to surrounding occupiers as a result of the proposed reduction in ground levels across the application site. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), and Policies KP1 and KP2 of the Core Strategy (2007).</p> | Refused 02.09.2022 |
| | 53 Grovewood Avenue Eastwood Essex SS9 5EQ (Site some 140m south of application site) | |
| 20/00482/FUL | Demolish existing pumping station, | Granted 11.06.2020 |

| | | |
|--------------|---|--|
| | erect 4no detached bungalows with amenity space to rear, layout parking, hard and soft landscaping and form new vehicular access on to Grovewood Avenue (amended proposal). | |
| | Pumping Station, Rayleigh Road | |
| 13/01525/OUT | Demolish existing pumping station and develop land for residential use (Outline Application) | Refused 11.12.2013 Appeal Dismissed APP/D1590/A/14/2219666 13.08.2014 |

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillors Collins and Walker.

Public Consultation

- 4.2 A site notice was displayed, and forty (40) neighbours were notified of the application by letter. Nine (9) letters of objection have been received from seven (7) addresses and their contents are summarised as follows:

- Amenity concerns: Loss of light and sunlight, overlooking, overshadowing, an unacceptable sense of enclosure and loss of privacy.
- Design concerns – oversized and does not fit into the streetscene. Private road to side is unsightly. Plot is too narrow.
- Concerns that the ground levels are proposed to be reduced and the subsequent impact on flood risk.
- Concern over removal of culvert and that there could be functional pipes under the application site.
- Loss of wildlife and wildlife habitat and open space. Foxes, birds and badgers living here. Concerns that the previous development to the south destroyed badger setts/breeding bird habitats.
- Flood risk concerns to neighbouring properties including surface water flooding concerns and that flood risk will increase as a result of the development. States that in 2002 and 2013, serious fluvial flooding occurred.
- Concerns neighbouring properties will be damaged and that the development will cause subsidence.
- Concerns relating to the loss of screen planting to Rayleigh Road.
- Devaluation of property.
- Concerns regarding maintenance and use of site to the rear (south) – the site area edged in blue including the provision of an access to the site from Rayleigh Road.
- Parking concerns and concerns that the development will increase parking on adjoining roads.
- Security concerns relating to alley proposed.
- Concerns relating to sewers.
- Loss of views.

[Officer Comment: Issues relating to design, character and appearance, amenity, flood risk, parking and wildlife issues have been addressed within the report. Devaluation of

property and loss of views are not material planning considerations. The concerns within the representations are noted, and where relevant to planning have been considered in the assessment of the application but are not found to constitute reasons for refusal in the specific circumstances of this case.]

4.3 **Parks**

No objections. Ecological issues relating to possible badger impacts during the development should be addressed in the conditions. Biodiversity enhancing measures can also be addressed in the conditions.

4.4 **Highways**

No objections. The applicant will be required to apply to Highways for permission to construct the crossover.

4.5 **Environmental Health**

No objections. EH recommend Construction/Demolition Management, Refuse and Recycling Land contamination conditions.

4.6 **Essex County Fire Service**

No objection.

4.7 **Environment Agency (EA)**

No objection – The EA note location of the site is largely within flood zone 1 and the EA make reference to their standing advice for “vulnerable” developments. Detailed comments are included within the assessment at paragraph 7.32 of this report.

4.8 **Lead Local Flood Authority (LLFA)**

No objection. Recommend the application is approved with drainage conditions.

4.9 **Essex Badger Protection Group**

Objection. The response refers to application 20/00482/FUL which concerned a site some 140m south of application site and concerns raised in May 2021 about how that site was developed and allegations that conditions from that planning application were not complied with and that a badger sett was destroyed, and a wildlife corridor had been damaged. This was reported to the Police in May 2021 and there was a Police investigation and the matter was reported to Planning Enforcement. The new application should therefore not be allowed to proceed, and it is considered that this area is an important and much-needed piece of urban wildlife habitat. This would provide a safe area for the badgers, which are still seen in the area, as well as many other species of local wildlife.

[Officer comment: Matters relating to relevant ecological impacts are addressed within the report. It is highlighted that the response largely references application 20/00482/FUL which was for land some 140m to the south of this application site and to the south of the land edged blue. In regard to the comments made about that application, within the Appendix section of the Design and Access / Planning Statement, the applicant has included copies of emails demonstrating that a Police investigation was closed due to lack of evidence. A further email is also included from this Council’s planning enforcement team regarding an investigation into alleged breach of conditions which states that the enforcement investigation was also closed for the same reason and also because alleged criminal activity involving wildlife is a Police matter.]

5 **Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2021)

- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling provision)
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type) DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Southend-on-Sea Technical Housing Standards Policy Transition Statement (2015)
- 5.8 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Southend-on-Sea Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.12 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, biodiversity and ecology matters, design and impact on the character and appearance of the area, residential amenity implications, whether the development would provide suitable living conditions for future occupiers, highway, parking and traffic and transportation considerations, sustainability, waste, flood risk, CIL and RAMS matters and whether the proposal overcomes the specific flood risk reason for which the 2022 application was refused. The basis of the decision on that previous application carries significant weight in the assessment of this proposal not least because the policy framework and site circumstances have not altered in any material respects in the interim.

7 Appraisal

Principle of Development

- 7.1 The National Planning Policy Framework (NPPF) encourages effective use of land, in particular previously developed land. Policy CP8 of the Core Strategy requires that development proposals contribute to local housing needs and identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend.
- 7.2 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 and the most recent Market Assessment shows that the City needs a higher proportion of family units. 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 an increase of one 4-bedroom dwelling which is a modest contribution to the housing supply of the City.

7.3 Policy DM3 of the Development Management Document seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification. At DM3 (2) the policy states that:

“All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:

- (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.”

7.4 Regard is had to the position of the application site in a broadly sustainable location for development and on which the proposed development would duly conform to the prevailing land use around it. Site circumstances have not changed and consistent with the basis of decision on the previous applications, and as discussed in more detail in the relevant sections of the report, the proposal would comply with the relevant criteria of Policy DM3. In regard to considerations in Policy DM3 (2) (i) (living conditions), this is addressed from paragraph 7.13 onwards. Turning to DM3 (2) (ii & iii), these are addressed from paragraph 7.7 to 7.12 and at 7.16 onwards and criterion (iv) is addressed from paragraph 7.21.

7.5 The site is within flood zones 1 & 2 and would result in a more vulnerable use than how this land is presently used. The previous application was refused solely on flood risk grounds. The applicant has submitted a site-specific Flood Risk Assessment (FRA) and the Environment Agency (EA) and Lead Local Flood Authority (LLFA) were both consulted and do not object subject to conditions. This is discussed in more detail below. The principle of the development is considered acceptable in this respect.

7.6 A Badger assessment has been submitted and is discussed in more detail in the relevant sections of the report. It is found that the development of the site would be acceptable in principle subject to ecological mitigation measures. In accordance with the findings for the previous application, the broad principle of the development of the site for housing is therefore acceptable.

Design and Impact on the Character of the Area

7.7 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.

7.8 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 Design and Townscape Guide provide further details on how this can be achieved.

- 7.9 Rayleigh Road more widely has a mixed character however, this section has a residential character, with modest sized dwellings on fairly narrow plots with the front of dwellings set back from the highway with private gardens located at the rear.
- 7.10 The proposed dwelling is a traditional form of development with a hipped roof and a two-storey front hipped roof projection, with a front canopy above the door opening and a single storey, hipped roofed attached garage. In regard to Policy DM3(2)(i) and the relevant design policies and guidance listed in Section 5 of this report, a two-storey dwelling in this location as here proposed has been found through determination of the 2022 application and subject to conditions not to harm the character of the site, the streetscene or the wider surrounding area and the report for application 22/00901/FUL is appended as Appendix 1. No reasonable basis for changing that conclusion in respect of the current application has been identified.
- 7.11 Consistent with the findings for the previous 2022 application, including for the 1.2m pathway to the site's eastern side and subject to conditions including for materials, land levels and hard and soft landscaping, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene or the wider surrounding area.
- 7.12 Subject to conditions the proposed development is considered acceptable and policy compliant in the above regards.

Amenity Impacts

- 7.13 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.
- 7.14 In regard to policy DM3(2)(i) and the relevant design policies and guidance listed in Section 5 of this report a two-storey dwelling in this location as here proposed has been found through determination of the 2022 application and subject to conditions not to harm any neighbours' residential amenity in any relevant regards. No reasonable basis for changing that conclusion in respect of the current application has been identified.
- 7.15 Consistent with the conclusions in the previous 2022 application, (the report of which is appended as Appendix 1) subject to conditions restricting permitted development (PD) rights, the use of the flat roof areas and the provision of obscure glazing with limited openings to the side elevations and requiring the development to be undertaken in accordance with the construction method statement submitted, no objections to the proposed development are raised in regard to impacts on the amenities on neighbouring occupiers of the proposed development. No objection has been raised to the Construction Method Statement (CMS) submitted by Highways or Environmental Health. Subject to those conditions, consistent with the basis of decision on the previous application, the proposal is acceptable and policy compliant in the above regards.

Standard of Accommodation

- 7.16 In regard to policy DM3(2)(i) and the relevant design policies and guidance listed in Section 5 the internal living conditions created by this dwelling as here proposed have been found through determination of the 2022 application and subject to conditions not to harm future occupiers' amenity. No reasonable basis for changing that conclusion in respect of the current application has been identified.
- 7.17 Consistent with the findings of the 2022 application, the proposal is acceptable and policy compliant in the above regards subject to conditions requiring compliance with Building Regulations Part M4(2), details of obscure glazing and hard and soft landscaping details.

Traffic and Transportation Issues

- 7.18 In regard to the relevant policies and guidance listed in Section 5 of this report the development here proposed has been found through determination of the 2022 application and subject to conditions not to harm highway safety, parking or traffic network conditions. No reasonable basis for changing that conclusion in respect of the current application has been identified. The report for the previous application is appended as Appendix 1.
- 7.19 Consistent with the findings of the 2022 application, the highways and parking implications are considered acceptable and policy compliant subject to conditions securing the proposed-on site parking plus EV charging and secure and covered cycle storage facilities.

Sustainability

- 7.20 Policy KP2 of the Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)." Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions." This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. No details have been submitted however subject to conditions requiring the development to comply with these requirements, no objection is raised on this basis.

Ecology, Biodiversity, HRA and RAMS

- 7.21 Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...'
- 7.22 A Badger Assessment and a site survey was undertaken for this application in January 2023. It states that "No Badger activity, such as setts, foraging or tracks, were recorded on the proposed site. The only activity was recorded on the adjacent land with tracks across the site and the ditch. Therefore, no Badger activity or setts occur on or near the proposed development." Third party representations received show badger activity within the wider area but not within the application site itself, as confirmed by the submitted Badger Assessment.
- 7.23 The report concludes that "The proposed development will include the creation of a dwelling that is more than 30 metres from any activity. The foraging and access routes are on the adjacent land, and the proposed development will not be damaged, or access

prevented...There is no need to enhance badgers' breeding and foraging habitat, as none is lost to the proposed development.”

- 7.24 The report makes recommendations including that site clearance is to be carried out under ecological supervision, a walkover survey of the site is to be undertaken following site clearance and at regular intervals after that to ensure badgers have not occupied the site before the project's conclusion, all workmen are to be fully briefed on the potential presence of badgers, all trenches/deep pits are to be securely covered overnight to stop any badgers from falling in and becoming trapped or a plant can be provided to allow a suitable means of escape with all trenches/pits inspected each morning in this respect. The storage of topsoil/soft building materials to be carefully considered and checked daily before work commences to ensure they have not be adopted as setts, chemicals shall be stored to ensure they cannot be accessed or knocked over by badgers, open pipework should be covered to prevent badgers becoming trapped and machinery should be operated by experienced people with fine control of excavators, etc.
- 7.25 The Council's Parks and Open Space service have not objected to the proposed development and have recommended conditions including mitigation measures including to protect badgers during construction.
- 7.26 Essex Badger Protection Group (EBPG) have objected to the application. They noted that for application 20/00482/FUL, which related to the land to the south of this site there was evidence of active badger setts in the embankments each side of the entrance path about 30m from the entrance gate in Rayleigh Road. The submitted plan 1697/ES1/D shows badger runs to the south of the application site. The EBPG state that the site forms part of a wildlife corridor for the area and refers to badger activity on other sites. These comments are noted, however, the EBPG do not specifically identify evidence of badger activity within the red line application site for the current proposal or any impacts outside the site which cannot be managed with suitable conditions.
- 7.27 It is considered that the information submitted by the applicant demonstrates that, subject to a condition requiring compliance with the requirements of the Badger Assessment, the proposal would not be harmful to badgers or other protected species and ecology more widely in line with policy DM3(2) (iv) and would not result in the loss of local ecological assets including wildlife habitats and significant or protected trees. Consistent with the findings of the 2022 application, the proposal is therefore acceptable and policy compliant in the above regards.
- 7.28 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 made and the proposal is therefore considered to be acceptable and policy compliant in this regard.

Flood Risk and Drainage

- 7.29 In accordance with the NPPF there is a requirement to provide a suitable basis for assessment to be made of the potential flood risks arising from the development. Policy KP1 of Core Strategy states that all development proposals within a flood risk zone “shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk.”
- 7.30 The applicant has submitted an updated site-specific Flood Risk Assessment (FRA)

which states that part of the site of the proposed development is within Flood Zone 1 with a smaller section of the site within Flood Zone 2 and that the development itself lies within the part of the site that is at 'low' risk of surface water flooding. The FRA acknowledges that there was historic flooding of the area however this site (red boundary) was not subject to flooding. The FRA is based on the lower site levels proposed as part of the development and includes a Pluvial [i.e. rainfall] Flood Modelling Report and the FRA found no negative impact on the neighbouring properties from this proposal. The report states that the developable area would remain flood free and neighbour properties will see a betterment (reduced modelled flood depths) as a result of the proposal. The report concludes that the level of flood risk is considered appropriate and commensurate with the proposed development.

7.31 The FRA makes a number of recommendations, including that safe refuge is provided on upper floors within the development, property level flood protection should be considered, the drainage design should ensure no increase in surface water runoff, surface water drainage systems should be designed to comply with SUDS principles, anyone responsible for the building should sign up to the Environment Agency Flood Line service and a flood plan should be in place, compensatory storage should be considered and basements should not be provided.

7.32 The Environment Agency have not objected to the application noting the location of the site is largely within flood zone 1. They refer to their standing advice which states for "vulnerable" developments that:

Finished floor levels (FFL) should be a minimum of whichever is higher of 300mm above the:

- Average ground level of the site.
- Adjacent road level to the building.
- Estimated river or sea flood level.

If the applicant cannot raise floor levels to meet the minimum requirement, they will need to:

- Raise them as much as possible.
- Consider moving vulnerable uses to upper floors.
- Include extra flood resistance and resilience measures.

The design should be appropriately flood resistant and resilient by:

- Using flood resistant materials that have low permeability to at least 600mm above the estimated flood level.
- Making sure any doors, windows or other openings are flood resistant to at least 600mm above the estimated flood level.
- Using flood resilient materials (for example lime plaster) to at least 600mm above the estimated flood level.
- By raising all sensitive electrical equipment, wiring and sockets to at least 600mm above the estimated flood level.
- Making it easy for water to drain away after flooding such as installing a sump and a pump.
- Making sure there is access to all spaces to enable drying and cleaning.
- Ensuring that soil pipes are protected from back-flow such as by using non-return valves.

Access and escape plans must show:

- That any single storey buildings or ground floors without access to upper floors can access a safe refuge above the estimated flood level.
- That any basement rooms have clear internal access (for example a staircase) to an upper floor above the estimated flood level.
- A safe route of access and escape which is set above the estimated flood level and connects the site to an area away from flood risk.

The development should use SuDS for all:

- Developments involving surface water drainage in flood risk areas.
- Major developments involving surface water drainage.
- Information about SUDS should be included in a sustainable drainage strategy or as part of the FRA.

7.33 The agent has confirmed that the proposed FFL is approximately 320mm above average ground levels in the area, as can be seen in the site section, and the agent has included details of flood resistant and resilient measures. The building is two storey so there would be a safe refuge and means of escape above estimated flood levels and SuDS can be addressed by condition. It is considered that the proposal meets the EA standing advice in the above regards.

7.34 The LLFA were consulted and having reviewed the information provided do not object and recommend that this application be approved subject to conditions.

7.35 It is found that the proposal is acceptable and policy compliant in the above regards in which case this proposal with the more extensive flood risk information overcomes the basis of refusal of the 2022 application.

Community Infrastructure Levy (CIL)

7.36 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 188sq.m, which may equate to a CIL charge of approximately £5,134.28 (subject to confirmation).

Equality and Diversity Issues

7.37 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

7.38 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development is acceptable in principle including having

regard to flood risk implications for its future occupiers for and neighbours. Subject to conditions, the proposal is acceptable in terms of ecology, sustainability, highways and living conditions of future occupiers. The proposal which creates a family sized dwelling makes a modest contribution to additional housing to be weighed as part of the tilted balance. The development is also acceptable in terms of design and impact on the character and appearance of the site, the streetscene and wider surroundings. It would not result in any significant harm to the amenity of neighbouring residents. The proposal is acceptable and policy compliant subject to conditions, overcomes the previous 2022 reason for refusal and is recommended for approval.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than 3 years beginning with the date of this permission.**

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

- 02 The development hereby approved shall be carried out solely in accordance with the approved plans: 1697/S1/E, 1697/ES1/D, 1697/ES1/E, 1697/300/E & 1697/301/D.**

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 Construction works for the approved development on site shall only be undertaken between 8am to 6pm on weekdays, between 8am and 1pm 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 (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 04 Notwithstanding the information submitted with the application and otherwise hereby approved, with the exception of site preparation, no development above ground level shall take place until and unless full details of the materials to be used on all the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall only be carried out and completed in accordance with the approved details.**

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021) Policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007) and the advice in the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 05 Within the first available planting season (October to March inclusive) following the first occupation of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the number, size, and location of the trees, shrubs, and plants to be retained and planted**

together with a planting specification including the treatment of the ground before planting and maintenance details.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted as part of the development, if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement, details of which shall have been approved by the Local Planning Authority under the scope of this planning condition.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development and to enhance biodiversity in accordance with the National Planning Policy Framework, (2021), Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06 The development hereby approved shall not be first occupied unless and until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The hard landscaping scheme shall include details of materials to be used on hard surfacing which should permeable, as well as elevations and details of materials for the boundary treatment of the site including the gate and fencing to the walkway to the eastern side of the development.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

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

- 08 Prior to the first occupation of the development hereby approved water efficiency 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: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document

(2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 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 first use and first occupied.**

Reason: To ensure the residential unit hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 10 The roof of the flat roofed, single storey elements of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roofs can however be used for the purposes of maintenance or to escape in an emergency.**

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

- 11 The car parking spaces shown on approved plan 1697/S1/E shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. One space shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the dwelling hereby approved.**

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 (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

- 12 Full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition, identifying covered and secure cycle parking for the approved development at the site. The approved covered and secure cycle store shall be provided in full and made available for use by the occupants of the dwelling prior to the first occupation of the dwelling hereby approved and shall thereafter be retained as such in perpetuity.**

Reason: To ensure the provision of adequate cycle storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015) and the guidance contained in the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

- 13 No drainage works associated with construction of the development hereby permitted shall commence unless and until full details of surface water attenuation for the site, based on Sustainable Drainage System (SuDS) 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 in full accordance with the approved details before it is first occupied, and any systems put in place shall be maintained for the lifetime of the development.

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 (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

- 14 The first floor flank windows in the west and east flank elevations 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 the internal floor level of the room or area served before the development is first occupied and shall be retained as such in perpetuity 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.

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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, 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, AA, B and E unless express planning permission has previously been obtained from the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents and to flooding risk in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 16 The demolition and construction works hereby permitted shall be carried out in accordance with the submitted Construction Method Statement & Site Plan 1697/CP/F submitted by Brian Davison Associates dated June 2023.

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4; and Development Management Document (2015) policies DM1 & DM3

- 17 The development shall be carried out in strict accordance with the recommendations and mitigation measures outlined at Section 6 of the Badger Assessment by ACJ Ecology (January 2023) including the following:

Prior to commencement of development, within five days of the start of works, a site walkover shall have been undertaken and completed by a qualified ecologist to ascertain the presence or otherwise of badgers on the site in accordance with BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

If there is any sign that badgers reside in or use the site, all development work shall cease until details of a scheme for protecting badgers at the site prior to, during and after the construction process has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Subsequently the development shall only be undertaken and managed in full accordance with the approved measures of badger protection. The development shall otherwise be undertaken and managed in accordance with the approved measures of badger protection in accordance with British Standards BS 42020:2013 Biodiversity: Code of Practice for Planning and Development:

- a. Any trenches or deep pits shall be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable means of escape.
- b. Any trenches/pits shall be inspected each morning and evening to ensure no badgers have become trapped.
- c. The storage of topsoil or other 'soft' building materials within the site shall be subject to daily inspections for badger sett formation before work commences.
- d. Storage of any chemicals shall be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- e. Open pipework with a diameter of more than 120mm shall be properly covered at the end of the work day to prevent badgers entering and becoming trapped.

Reason: To safeguard protected species in accordance with the National Planning Policy Framework (2021) and Southend-on-Sea Core Strategy (2007) Policy KP1.

- 18 The development hereby approved shall be undertaken in strict accordance with the levels details contained within plan number 1697/S1/E or any other levels, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall thereafter be completed in accordance with the approved details before it is occupied.

Reason: To safeguard the visual amenities of the site and wider area and to ensure that the development remains safe in terms of flood risk and does not increase flood risk elsewhere as set out in National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, 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).

- 19 The flood risk mitigation measures set out in the Flood Risk Assessment by Civil Engineering Solutions dated January 2023, including details of property and ground levels, flood protection measures such as finished floor levels, flood resistant/resilient construction measures to mitigate flood risk to the building and a flood evacuation plan shall be incorporated within the development hereby approved prior to first occupation of the building and retained as such in perpetuity thereafter.

Reason: To protect the building and its occupants against the risk of flooding in accordance with the National Planning Policy Framework (2021) and Policy KP1 of the Core Strategy (2007).

- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and development stopped

with immediate effect. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Any measures so identified in the approved remediation scheme shall be completed and a verification report must be submitted to the Local Planning Authority for its agreement.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

Informatives

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at 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 is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that the application site is likely to contain nesting birds between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

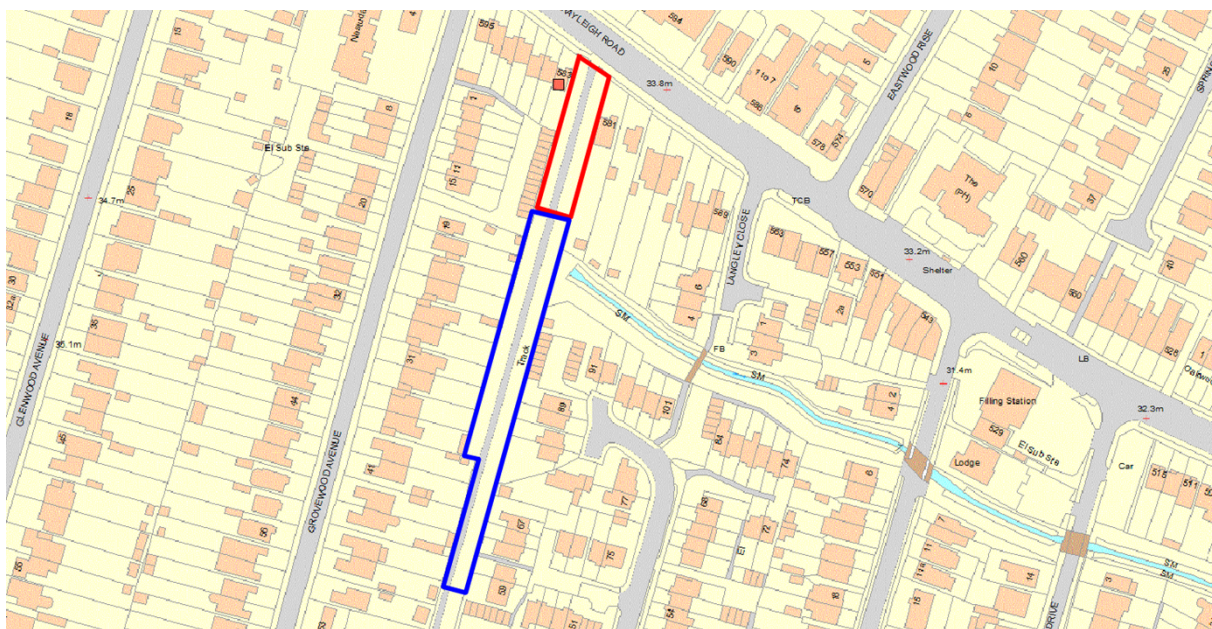
5. Further to Condition 18 relating to site levels, the technical assessments are based on these site levels and should any amendments to the levels proposed be sought, the technical studies (FRA) would need to be amended and reconsidered accordingly.

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.

Appendix 1 Officer Report 22/00901/FUL

| | |
|-----------------------------|--|
| Reference: | 22/00901/FUL |
| Ward: | Eastwood Park |
| Proposal: | Erect a detached dwellinghouse on vacant land with amenity space at rear and relocate existing vehicle crossover on to Rayleigh Road (Amended proposal) |
| Address: | Land between 581– 583 Rayleigh Road, Eastwood, SS9 5HR |
| Applicant: | Mr A Bush |
| Agent: | Mr A Davison of Brian Davison Associates |
| Consultation Expiry: | 24.05.22 |
| Expiry Date: | 05.09.22 |
| Case Officer: | Scott Davison |
| Plan Nos: | 1697/S1/D, 1697/ES1/D, 1697/300/D, 1697/301/D & 1697/300/E |
| Supporting Documents | Flood Risk Assessment by Civil Engineering Solutions dated October 2021, Design and Access Statement, Material Schedule, Badger Assessment by ACJ Ecology March 2022, Building Regulations checklist |
| Recommendation: | GRANT PLANNING PERMISSION subject to conditions |



1 Site and Surroundings

- 1.1 The application site is a vacant plot of land on the southern side of Rayleigh Road. The land was formerly the access point within a larger pumping station facility which encompassed two further areas of land now to the south of this application site. The current ground levels of the site have been artificially raised using spoils from the dig-out of Anglian Water's surface water pipe (now unused) and is therefore higher than the adjoining plots. There is an existing vehicle crossover to Rayleigh Road.
- 1.2 The southernmost area of former pumping station land was redeveloped with planning permission ref 20/00482/FUL to form 4 detached bungalows accessed from Grovewood Avenue. Immediately to the south of the application site, but not part of it, is a middle plot of unused land some 140m length located between this application site and dwellings in Grovewood Avenue.
- 1.3 The surrounding area is residential in character, comprising detached, semi-detached and detached dwellings along Rayleigh Road and the rear of dwellings, gardens and lock-up garages along Grovewood Avenue and Bramble Road.
- 1.4 The site is within flood zones 1 and 2 and Prittle Brook is situated approximately 20m south of the site boundary. It is not subject to any other site-specific planning policies.

2 The Proposal

- 2.1 The application seeks planning permission for the erection of a two-storey dwelling. The dwelling would have ground and first floor projections to its rear and a single storey garage to the side. The dwelling would be some 7.7m high, 11m wide and a maximum 13m deep. At two storeys it would be set some 4.2m in from the eastern boundary and 1m in from the western boundary. Access to the site would be from Rayleigh Road via a new repositioned 4.8m crossover. A 1.2m wide pedestrian access from Rayleigh Road would be maintained to the eastern side of the site, allowing access to the plot of land to the rear. This access would be gated with new 1.8m high boundary treatment along the side boundary to the rear of the application property.
- 2.2 The proposed dwelling would have a gross internal area (GIA) of some 188 sq.m. The ground floor would have an entrance hall, kitchen/dining and living room and utility room with four first floor bedrooms between 8 sqm and 14.6sqm. An attached garage some 3.3m x 7.3m is proposed to the eastern side of the dwelling together with a hard surfaced area to the front. The rectangular rear garden would be some 36m deep. The proposed external materials include brick, slate roof and Upvc fenestration.
- 2.3 This application follows refusal of planning application ref: 21/01853/FUL described as; "*Remove non-functional rainwater culvert and erect a detached dwellinghouse on vacant land with amenity space at rear and relocate exiting vehicle crossover on to Rayleigh Road*" for the following reasons:

*01 The proposed development by reason of its mass, height, width, resulting overall scale and contrived design results in a bulky, incongruous form of development materially out of keeping with its context and harmful to the character and appearance of its surroundings. This would be unacceptable and contrary to the National Planning Policy Framework (2019), 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).*¹⁴⁰

02 The proposed development would result in an undue sense of enclosure and a loss of outlook to the neighbouring dwelling, No 581 Rayleigh Road which would be materially harmful to the amenities of the occupiers of that property. This is unacceptable and contrary to the National Planning Policy Framework (2019), 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).

03 Insufficient information has been submitted to demonstrate that the proposed development would not be harmful to wildlife and that wildlife and biodiversity mitigation measures to protect species would be incorporated into the development. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 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).

- 2.4 The main differences between the proposal and the refused scheme are:
- Reduction in height of the proposed dwelling;
 - Reduction in width of the dwelling at two storeys and the introduction of a single storey garage to the eastern side of the dwelling;
 - Reduction in GIA from 221 sqm to 188sqm;
 - Submission of a detailed Badger Assessment.

3 Relevant Planning History

Application site

- 3.1 21/01853/FUL Remove non-functional rainwater culvert and erect a detached dwellinghouse on vacant land with amenity space at rear and relocate exiting vehicle crossover on to Rayleigh Road. Refused

53 Grovewood Avenue Eastwood Essex SS9 5EQ (Blue line site area included this application site)

- 3.2 20/00482/FUL Demolish existing pumping station, erect 4no detached bungalows with amenity space to rear, layout parking, hard and soft landscaping and form new vehicular access on to Grovewood Avenue (amended proposal). Granted.

4 Representation Summary

Environmental Health

- 4.1 No objection subject to construction management and waste/recycling conditions.

Parks

- 4.2 No objections subject to conditions requiring biodiversity enhancing measures and preventative measures during construction to protect potential impacts on badgers.

Highways

- 4.3 No objections. The applicant will be required to apply to Highways for permission to construct the crossover.

Essex and Suffolk Water

- 4.4 No objection

4.5 No objection

Cadent / National Grid

4.6 No objection

Environment Agency

4.7 No objection

UK Power Networks

4.8 UK Power Networks originally submitted a holding objection to the planning application on the basis that they had a live underground cable crossing the land to be developed. UKPN have provided a quote to the applicant to have the cable disconnected. Subject to the works being carried out within the quote, prior to any development works being undertaken, UKPN no longer have a holding objection to the planning application.

Essex Badger Protection Group

4.9 Objection. There have been objections to previous applications 20/00482/FUL and 13/01525/OUT as there was clear evidence of highly active badger setts located in the embankments each side of the entrance path about 30 metres from the entrance gate in Rayleigh Road. The published ecological survey report for the previous development application No. 20/00482/FUL clearly identifies and highlights the existence of active badger setts as well as other important wildlife species and habitat located on the old entrance road onto the old pumping station site from the Rayleigh Road.

There is a Police Investigation into destruction of the setts on neighbouring land by developers/contractors. It is important that this land remains as an important wildlife corridor. Although the original badger sett has now been destroyed it is important that this strip of land should be rewilded in order to provide much needed wildlife habitat and foraging in the area.

[Officer comment: Matters relating to relevant ecological impacts are addressed within the report. The site subject of application 20/00482/FUL was formerly within the ownership of the applicant and is some 155m to the south of this application site and to the south of the land edged in blue. The applicant has copies of an email demonstrating that a Police investigation was closed due to lack of evidence. A planning enforcement investigation into alleged breach of conditions was also closed for the same reason and also because alleged criminal activity involving wildlife is a Police matter.]

Public Consultation

4.10 Councillors Walker and Collins have called the application to Development Control Committee.

4.11 A site notice was displayed, and forty-five (45) neighbours were notified of the application. Nine (9) letters of objection have been received from eight (8) addresses and their contents are summarised as follows:

- Amenity concerns: Loss of light, overlooking, overshadowing, an unacceptable sense of enclosure and loss of privacy
- Additional congestion on Rayleigh Road
- Concern over removal of culvert
- Loss of wildlife and wildlife habitat

- Flood risk concerns
- Querying location of site notice
- Concerns regarding maintenance and use of site to the rear (south) – the site area edged in blue including the provision of an access to the site from Rayleigh Road.
- Site is unsuitable for development.
- Concerns over development to the south of site subject of planning permission 20/00482/FUL and impact on wildlife and ecology.

4.12 [Officer Comment: Issues relating to design, character and appearance, amenity, flood risk, highways and wildlife issues have been addressed within the report. The site notice was posted on the northern side of Rayleigh Road directly opposite the application site entrance. The concerns within the representations are noted, and where relevant to planning have been considered in the assessment of the application but are not found to constitute reasons for refusal in the specific circumstances of this case.]

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021) and National Design Guide (Rev 2021)
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling provision)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources, DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type) DM8 (Residential standards) and DM15 (Sustainable Transport Management)
- 5.4 Southend-on-Sea Design & Townscape Guide (2009)
- 5.5 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) (2020).
- 5.8 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, biodiversity and ecology matters, design and impact on the character and appearance of the area, residential amenity implications, whether the development would provide suitable living conditions for future occupiers, highway, parking and traffic and transportation considerations, sustainability, waste, ecology, flood risk, CIL and RAMS matters and whether the proposal overcomes the reasons for which the 2021 application was refused. The basis of decision on that previous application carries significant weight in the assessment of this proposal.

7 Appraisal

Principle of Development

- 7.1 The National Planning Policy Framework (NPPF) encourages effective use of land, in particular previously developed land. Policy CP8 of the Core Strategy requires that development proposals contribute to local housing needs and identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend.
- 7.2 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. 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 an increase of one 4-bedroom dwelling which is a modest contribution to the housing supply of the City.
- 7.3 Policy DM3 of the Development Management Document seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification. At DM3 (2) the policy states that:
- “all development on land that constitutes Backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (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.”*
- 7.4 Regard is had to the position of the application site in a broadly sustainable location for development and on which the proposed development would duly conform to the prevailing land use around it. Site circumstances have not changed and consistent with the basis of decision on the previous application, and as discussed in more detail in the relevant sections of the report, the proposal would comply with the relevant criteria of policy DM3.
- 7.5 The site is located within flood zones 1 & 2 and would result in a more vulnerable use. The previous application was not refused on flood risk grounds and the principle of the development is acceptable in this respect
- 7.6 An ecology assessment has been submitted and this is discussed in more detail in the relevant sections of the report. It is found that the development of the site would be acceptable in principle subject to ecological mitigation measures, and this is considered in the detailed assessment below. The broad principle of the development of the site for housing therefore remains acceptable.

Design and Impact on the Character of the Area

- 7.7 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.

- 7.8 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 of the Development Management Document and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 7.9 Rayleigh Road has a mixed character however, this section has a residential character, with modest sized dwellings on fairly narrow plots with the front of dwellings set back from the highway with private gardens located at the rear. The proposed dwelling is a contemporary version of a traditional form of development with a shallow pitched roof and a projecting square front bay, with a front canopy above the door opening. The proposed development would be some 7.7m high, 11m wide and a maximum 13m deep. There would be a 4.2m gap from the main flank wall to the shared boundary to the east. The western flank elevation would be set 1m in from the western shared boundary.
- 7.10 Compared with the refused 2021 scheme, the proposed dwelling is reduced in width and height so reducing the bulk of the roof. A forward projecting bay would help to break up the mass of the frontage, and there is a greater degree of articulation in the building's front elevation. The scale and mass of the proposed development would not now be harmfully at odds with the general character of the immediate street scene.
- 7.11 Development in Rayleigh Road is angled away from the road. The footprint of the dwelling would be some 3m behind No.583, to the west and projecting some 6.5m beyond the rear of No.583 at ground floor and 3m at first floor. A cut back section at first floor level in the southwest corner is to mitigate the development's physical impact on the setting and outlook of No 583.
- 7.12 No 581 to the east is east is a chalet bungalow which is set back in its plot. The proposed development would be some 9.4m forward of that dwelling's front elevation. The changes to the design, reducing the width, roof form and ridge height would lessen the bulk of the proposed dwelling and given these factors, on balance, it is not considered that the proposed dwelling would appear as a dominant backdrop against No.581 and would not significantly harm the character or appearance of the streetscene.
- 7.13 Proposed materials include slate, brick and render. Slate is not a typical material in this area however the matter of materials can in any event be controlled by a condition of planning permission. Limited landscaping details have been submitted although a mature tree to the front of the site is shown as retained. There is no objection in principle to part hard-surfacing to the front. A condition can be attached to secure details of hard and soft landscaping.
- 7.14 A 1.2m wide pathway to the eastern side enables access to the blue lined area to the rear and this would be gated and not accessible to the public with new boundary treatments along its length. Representations received expressed security concerns over this matter however the site is currently gated, and the proposal would not result in conditions materially different to those which presently exist. Subject to conditions securing boundary treatments, the proposal would be acceptable in these regards. A condition specifically requiring a secured gated access for the land edged blue is not considered necessary or proportionate to the development under consideration The blue lined area does not part of the proposed development site. Any future development for adjacent land would be subject to separate planning control.

- 7.15 In summary, subject to conditions, it is considered on balance that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely and overcomes that previous reason for refusal. The proposed development is considered acceptable and policy compliant in the above regards.

Impact on Residential Amenity.

- 7.16 Policy DM1 of the Development Management Document states 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.*”
- 7.17 The proposed dwelling’s front elevation would sit behind that of No.583 Rayleigh Road to the west and its flank would be some 1m in from the shared boundary, resulting in a 1.6m flank to flank separation distance to that neighbouring dwelling. The proposed dwelling would project some 6.5m beyond the rear of No.583 at ground floor and 3m at first floor and set in from the shared flank boundary by some 1m. Given the presence of a 2m fence on the boundary and that the single storey element of the projection would be some 2.6m high, on balance, it is not considered that the proposal would result in an undue sense of enclosure or dominant impacts. The proposal would be higher than No.583 but has been reduced in height by some 0.5m compared to the refused scheme. The first-floor element of the two-storey rearward part of the proposed dwelling would not infringe on a notional horizontal 45-degree guideline taken from the windows in the rear elevation of No.583 nearest to the proposed dwelling which are understood to be a kitchen at ground floor and a bedroom at first floor. The outlook from the rear of No.583 would be impacted by the flank of the proposed development and there is a first-floor window in the side elevation which is understood to be a secondary window to a bedroom. However, the separation distance to the proposed development and the reduced scale of the scheme at first floor level are considered to be such that the impact is not significantly harmful. Consistent with the basis of decision on the previous application this relationship is, on balance, considered acceptable.
- 7.18 The proposed dwelling would sit some 9.4m forward of the front of No.581 to the east, which is a chalet bungalow. Planning permission has been granted under reference 19/00781/FULH for a proposal described as *Erect two storey rear extension, single storey front extension and convert garage into habitable accommodation, extend existing dormer to side and erect two new dormers to sides to form habitable accommodation in the roof space, alter elevations*. Implementation of this scheme has commenced but has not been completed as elements including the side dormers had not been built out.
- 7.19 The flank elevation of the proposed dwelling would be some 4.2m from the shared boundary with No.581, with its roof pitched away from the boundary and a flank-to-flank separation of some 5.1m. This is a significant increase over the previously refused scheme. A single storey garage would be some 5m behind the front elevation of the proposed dwelling and some 5m forward of No.581. In comparison with the refused scheme, given the reduction in height, width and increased separation from the boundary, the proposed development on balance would not result in a sense of enclosure that would be harmful to neighbouring amenities. It therefore overcomes that previous reason for refusal and is acceptable in this regard. It is not considered that the amenities of occupiers of any other properties would be impacted by the proposal

7.20 Given the relationship of the proposed development to the immediate neighbouring dwelling No 583, it is considered that a condition restricting permitted development rights including extensions, roof extensions & alterations would be necessary to reasonably protect neighbouring amenities. Subject to such a condition, the proposal is considered acceptable and policy compliant in the above regards

Standard of Accommodation:

7.21 Paragraph 129 of the NPPF states that “Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. The Technical Housing Standards published by the government and adopted by the Council with the amendments to Policy DM8 of the Development Management Document set out:

1. Minimum property size for a 2 storey 4-bedroom (7 person) dwelling shall be 115 sqm

2. 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.

3. Floorspace with a head height of less than 1.5 m 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.

Weight should also be given to the additional requirements of policy DM8 including:

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

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

6. Refuse Facilities:

7.22 The gross internal floorspace for the dwelling and bedroom sizes would exceed the minimum sizes required by the technical housing standards. All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook. An amenity area for the proposed dwelling is located to its rear. The proposed amenity space is considered to be acceptable and would comply with the above-noted policy guidance as well as criterion DM3 2. (iii).

7.23 It is expected that the proposed dwellinghouse would be served by the Council’s kerbside sack collection scheme. The proposal would be acceptable and policy compliant in this regard.

7.24 Policy DM8 of the Development Management Document, as amended, states that all new dwellings should meet Building Regulation M4(2). The applicant has confirmed that the dwelling would comply with these standards. Subject to a condition requiring this standard no objection is raised on this basis.

7.25 Subject to conditions, the proposal is acceptable and policy compliant in the above regards.

Highways and Transport Issues:

- 7.26 Policy DM15 of the Development Management Document requires a minimum of 2 parking spaces for 2+ bedroom dwellings and a minimum of 1 cycle storage space per dwelling. The EVCI SPD requires at least one car parking space is fitted with an active electric vehicle charging point.
- 7.27 An existing crossover would be removed and a new repositioned crossover some 4.8m wide would be formed. The proposal provides two parking spaces for the dwelling in accordance with Policy DM15 including the garage. Active charging facilities and details of secure covered cycle parking can be secured via condition. The highways and parking implications are considered acceptable and policy compliant.

Sustainability

- 7.28 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. No details have been submitted however these can be secured by a planning condition. Subject to this, the development is acceptable in this respect.
- 7.29 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, appliances and water recycling systems such as grey water and rainwater harvesting.’ Subject to a condition requiring the development to comply with this requirement, no objection is raised on this basis.

Flood Risk

- 7.30 In accordance with the NPPF there is a requirement to provide a suitable basis for assessment to be made of the potential flood risks arising from the development.
- 7.31 Policy KP1 of Core Strategy states that all development proposals within flood risk zone “shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk”
- 7.32 The applicant submitted a Flood Risk Assessment (FRA) which states that part of the site of the proposed development is within Flood Zone 1 with a smaller section within Flood Zone 2. The Environment Agency have not objected to the application and consistent with the previous decision, subject to a condition a requiring compliance with the FRA, the proposal is acceptable and policy compliant in the above regards.

Impacts on Ecology

- 7.33 Paragraph 170 of the NPPF states that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...’
- 7.34 A qualified ecologist undertook a Badger Assessment and a site survey. No badger setts, foraging or tracks, were recorded on the proposed site. Activity was recorded on

the adjacent blue lined land with tracks across this site and the ditch (stream). The report concludes that the proposed development will not impact any badger setts, access for the badgers remains and the report made recommendations including that site clearance is to be carried out under ecological supervision, a walkover of the site prior to commencement of development should take place and a number of mitigation measures should be implemented to prevent possible harm to badgers during construction. The Parks and Open Space service did not object to the proposed development and have recommended conditions including mitigation measures including to protect badgers during construction

- 7.35 Essex Badger Protection Group (EBPG) objects to the application. They noted that for applications 20/00482/FUL and 13/01525/OUT on the site to the south of this proposed development site there was evidence of active badger setts in the embankments each side of the entrance path about 30m from the entrance gate in Rayleigh Road. The submitted plan shows that there are badger runs to the south of the application site and the EBPG state that the site forms part of a wildlife corridor for the area and refers to badger activity on other sites. These comments are noted, however, the EBPG do not specifically identify evidence of badger activity within the red line application site for the current proposal or any impacts outside the site which cannot be managed with suitable conditions.
- 7.36 It is considered that the information submitted by the applicant demonstrates that, subject to conditions, the proposal would not be harmful to protected species and ecology more widely. The proposal therefore overcomes that previous reason for refusal and is acceptable and policy compliant in the above regards.

Other matters

Equality and Diversity

- 7.37 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.38 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.

Community Infrastructure Levy

- 7.39 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 188sq.m, which may equate to a CIL charge of approximately £4801 (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.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development is acceptable in principle and subject to conditions, is acceptable in terms of ecology, sustainability, highways and living conditions of future occupiers. On balance, the proposal which in creating a family sized dwelling makes a modest contribution to additional housing to be weighed as part of the tilted balance, would also be acceptable in terms of design and impact on the character and appearance of the site and wider surrounding area. It would not result in any significant harm to the amenity of neighbouring residents. The proposal is acceptable and policy compliant subject to conditions, overcomes the previous reasons for refusal and is recommended for approval.

9 Recommendation

- 9.1 **Members are recommended to: GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 **The development hereby permitted shall begin no later than 3 years beginning with the date of this permission.**

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

- 02 **The development hereby approved shall be carried out solely in accordance with the approved plans: 1697/S1/D, 1697/ES1/D, 1697/300/D & 1697/301/D**

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 **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 Public Holidays.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 04 **Notwithstanding the information submitted with the application, with the exception of demolition and site preparation, no development above ground level shall take place until full details of the materials to be used on all the external elevations of the dwelling have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall only be carried out and completed in accordance with the approved details.**

Reason: To safeguard the character and appearance of the surrounding area in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007) and advice in the National Design Guide (Rev 2021) and the Southend-on- Sea Design and Townscape Guide (2009).

- 05 Within the first available planting season (October to March inclusive) following the first occupation of the development hereby approved, a soft landscaping scheme shall be implemented and completed in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall include measures to enhance the biodiversity on site, details of the number, size, and location of the trees, shrubs, and plants to be retained and planted together with a planting specification including the treatment of the ground before planting and maintenance details.**

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development and to enhance biodiversity in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06 Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted as part of the development , if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.**

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development and to enhance biodiversity in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 07 The use of the development hereby approved shall not occupied until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The hard landscaping scheme shall include details of materials to be used on hard surfacing which should permeable, as well as elevations and details of materials for the boundary treatment of the site.**

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the proposed development in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

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

- 09** Prior to occupation of the development hereby approved water efficiency 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: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To ensure the residential unit hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 11** The roof of the single storey element of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

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

- 12** The car parking spaces shown on approved plan S1/D shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The spaces shall be fitted with active electric vehicle charging points. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the dwelling hereby approved.

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 (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).

- 13 Full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying covered and secure cycle parking for the approved development at the site. The approved covered and secure cycle store shall be provided in full and made available for use by the occupants of the dwelling prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.**

Reason: To ensure the provision of adequate cycle storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015) and guidance contained in the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

- 14 No drainage works associated construction of the development hereby permitted shall commence unless and until details of surface water attenuation for the site, based on Sustainable Drainage System (SuDS) 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 in full accordance with the approved details before it is occupied, and any systems put in place shall be maintained for the lifetime of the development.**

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

- 15 No development shall take place on site unless and until details of tree protection measures for the trees to be retained on site 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 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 trees on the site in the interests of 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).

- 16 The first floor flank windows in the west and east flank elevations 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, or such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is occupied and shall be retained as such in perpetuity 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.**

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 (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, 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, AA, B and E unless express planning permission has previously been obtained from the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and in the interest of the residential amenity of the adjoining residents and to flooding risk in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 18 No development shall take place on site, including any works of demolition, until and unless a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority under the provisions of this condition. The approved CMS shall be adhered to throughout the construction period. The CMS 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 noise, dust and dirt during construction
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
 - vii) measures to mitigate noise impacts
 - viii) wildlife protection measures

Reason: This pre-commencement condition is required in the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 19 The development shall be carried out in strict accordance with the recommendations and mitigation measures outlined at Section 6 of the Badger Assessment by ACJ Ecology (March 2022) including the following:

Prior to commencement of development, within five days of the start of works, a site walkover shall have been undertaken and completed by a qualified ecologist to ascertain the presence or otherwise of badgers on the site in accordance with BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

If there is any sign that badgers reside or use the site work shall cease until details of a scheme of protecting badgers at the site prior to, during and after the construction process has been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall only be undertaken and managed in full accordance with the approved measures of badger protection. The development shall otherwise be undertaken and managed in accordance with the approved measures of badger protection in accordance with BS 42020:2013 Biodiversity: Code of Practice for Planning and Development:

- a. Any trenches or deep pits shall be securely covered overnight to stop any badgers falling in and becoming trapped. Alternatively, a rough plank can be provided, at an angle no steeper than 45 degrees, to allow any badgers a suitable

means of escape.

b. Any trenches/pits shall be inspected each morning and evening to ensure no badgers have become trapped.

c. The storage of topsoil or other 'soft' building materials within the site shall be subject to daily inspections for badger sett formation before work commences.

d. Storage of any chemicals shall be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.

e. Open pipework with a diameter of more than 120mm shall be properly covered at the end of the work day to prevent badgers entering and becoming trapped.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2021) and Core Strategy (2007) Policies KP1, KP2 and CP4

20 Notwithstanding the details submitted and otherwise hereby approved, no development other than demolition and site preparations works shall be undertaken unless and until full details of the existing and proposed levels to include the proposed dwelling, parking areas and landscaped areas relative to the adjoining land and any other changes proposed in the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the approved details before it is occupied.

Reason: To safeguard the visual amenities of the site and wider area as set out in 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).

21 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until the existing live underground electricity cable running through site boundary has been disconnected in accordance with details previously approved by UK Power Networks.

Reason: In the interests of public safety in accordance with the National Planning Policy Framework (2021).

Informatives

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at 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. Please note that UK Power Networks has equipment within the area to be developed. You are advised to contact UK Power Networks to discuss how the Company's requirements can be incorporated within the development.

4. The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Generally trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that the application site is likely to contain nesting birds between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

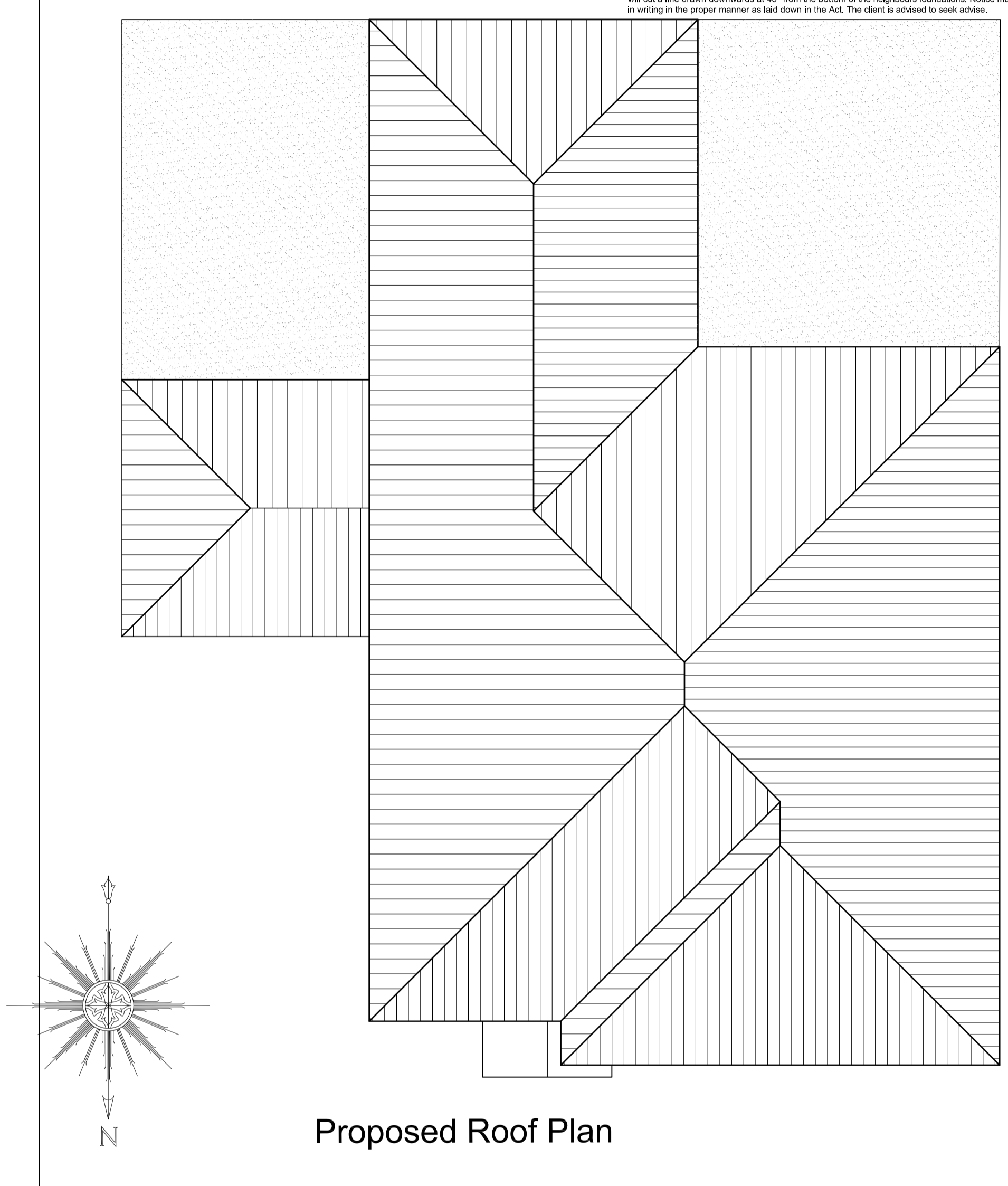
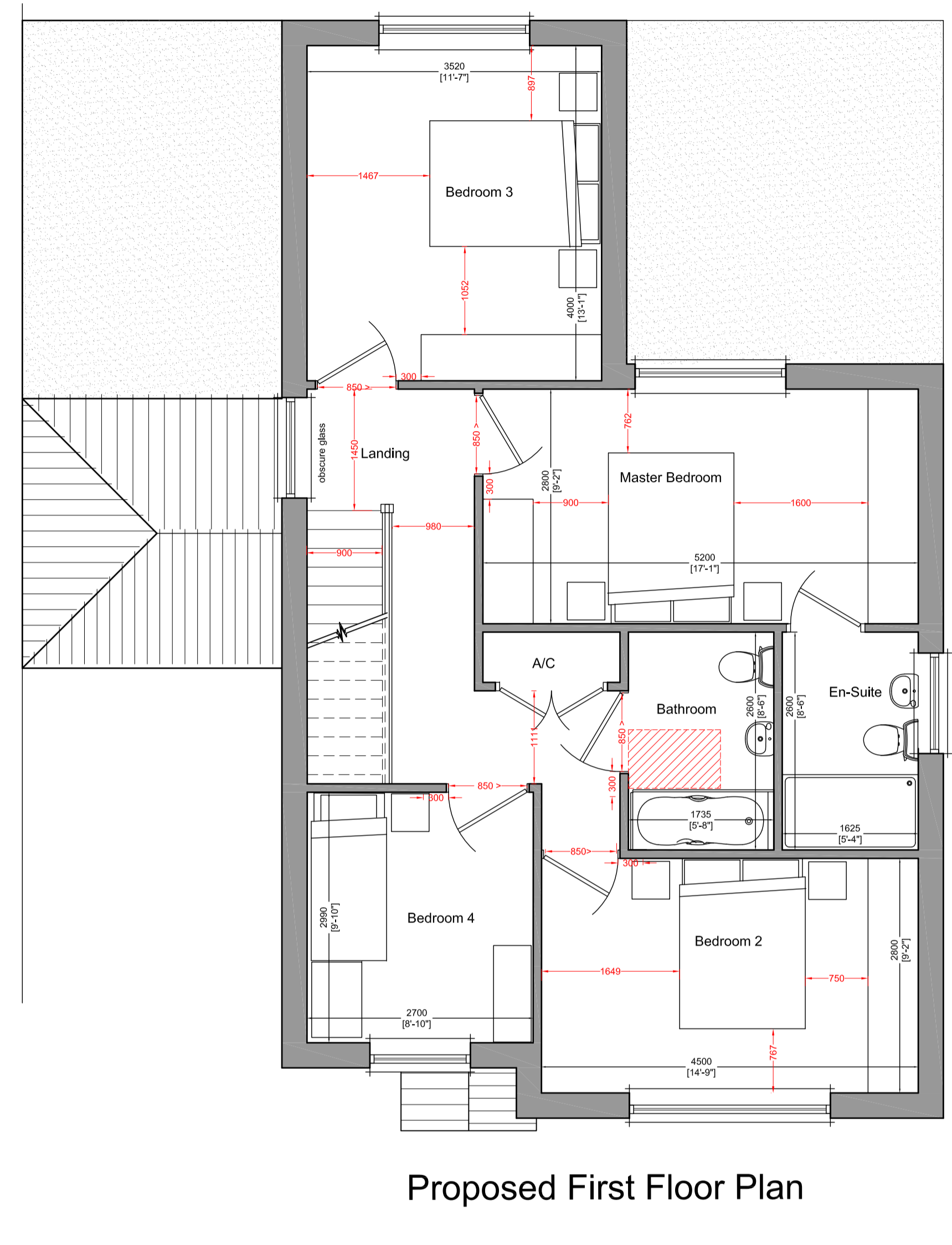
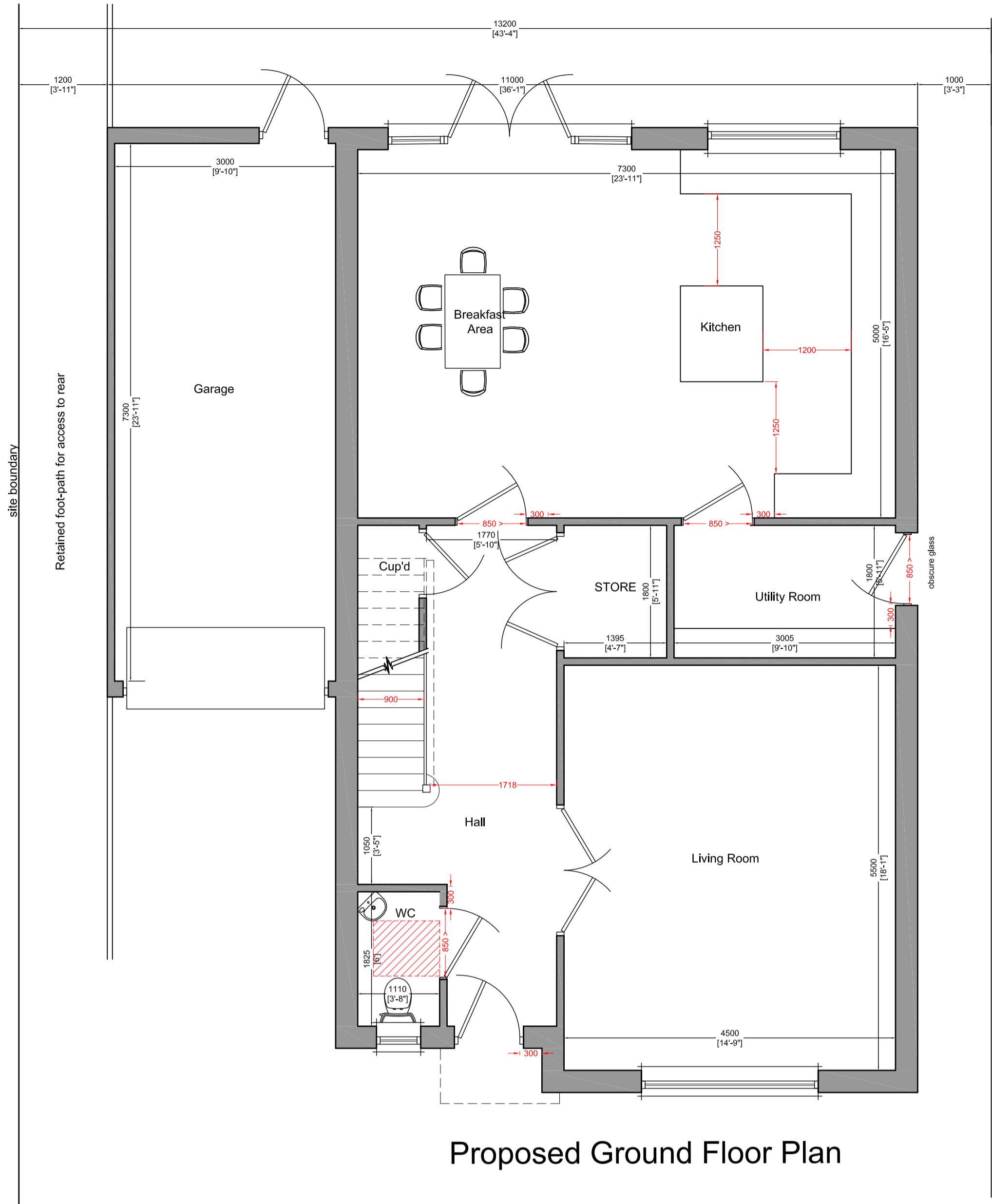
Positive and Proactive Statement

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.

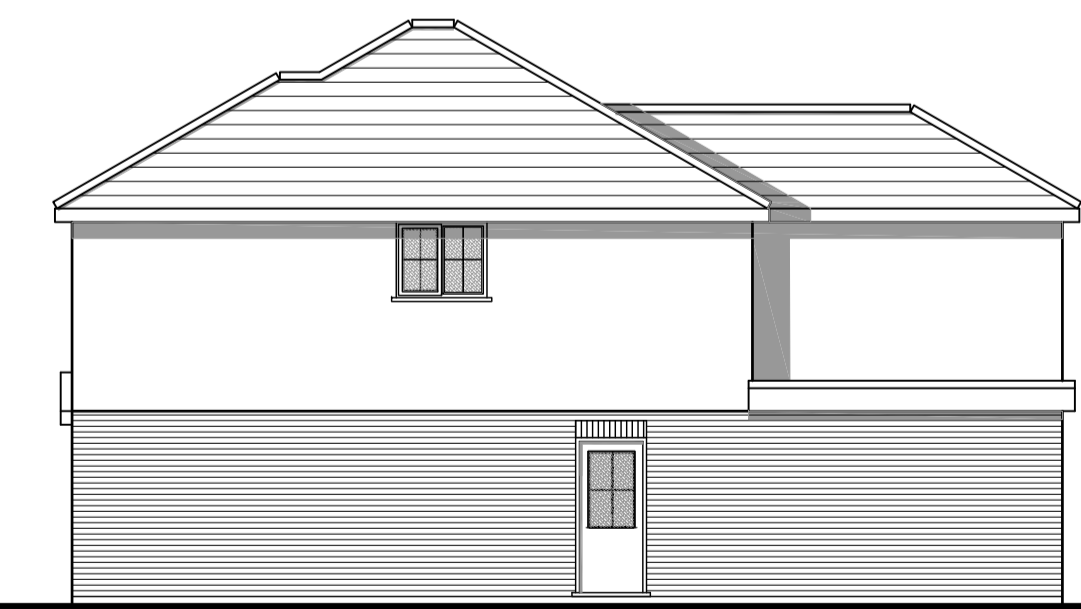
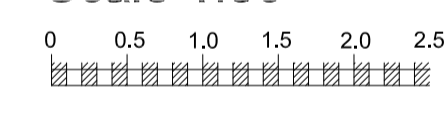
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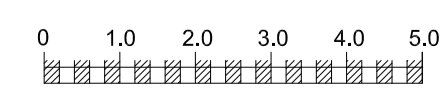
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Scale 1:50



Scale 1:100



The Complete Building Related Service
 STRUCTURAL AND MEASURED SURVEY AND REPORTS, ARCHITECTURAL DESIGN, PLANNING APPROVALS, AND APPEALS, PARTY WALL WORK.
Brian Davison Associates
 25 Galton Road, West-Brom-Ses
 Essex, SS16 1LE
 Tel: 01702 394488 Fax: 01702 394489

Project:
 Proposed Development of Land at
 Between 581-583 Rayleigh Road
 Eastwood, Leigh
 Essex

Client:
 .
 .

Drawing:
 Proposed General Arrangements

Scale: 1:50 & 1:100
 Drawn by: A.Davison
 Date: March 2022

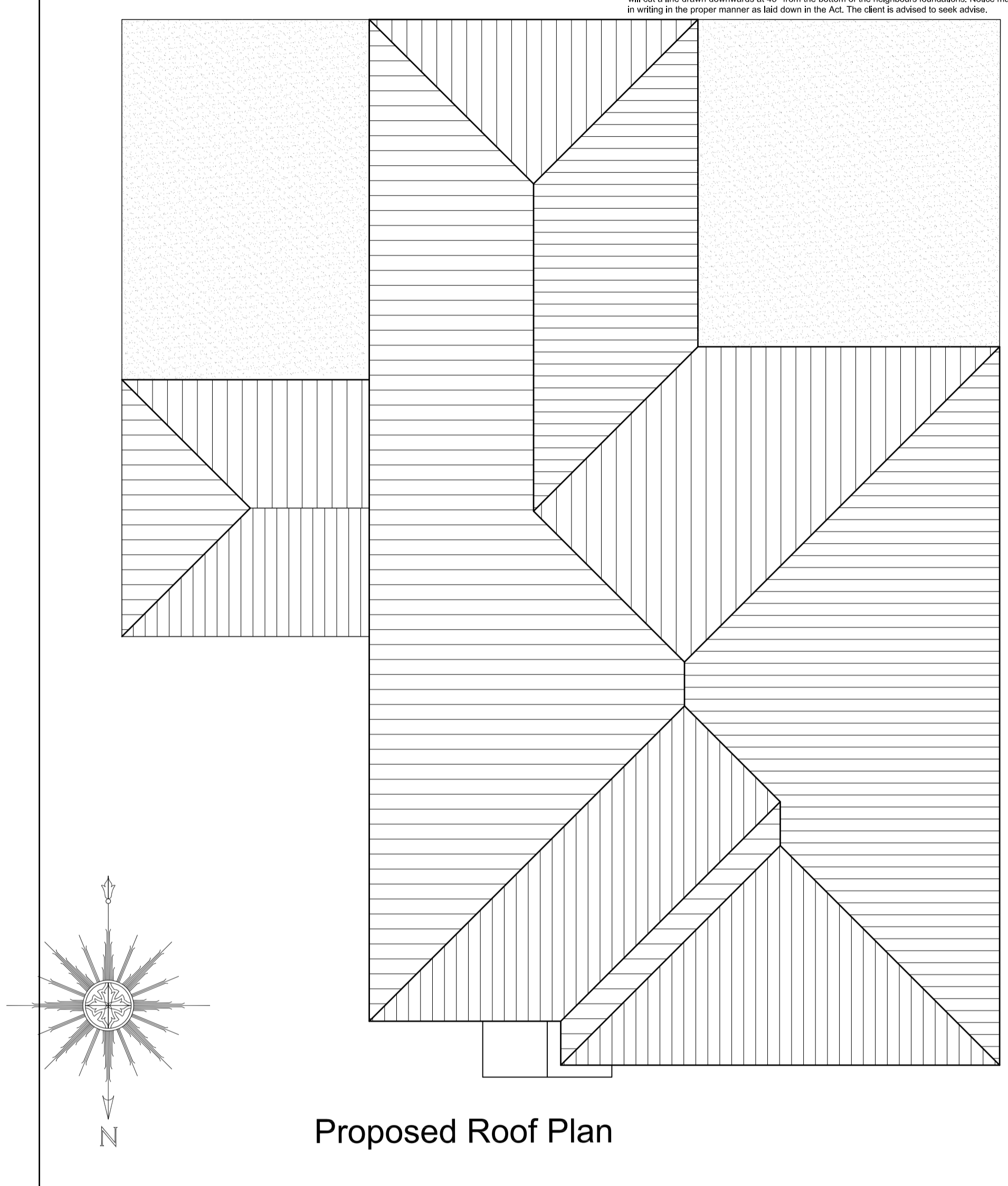
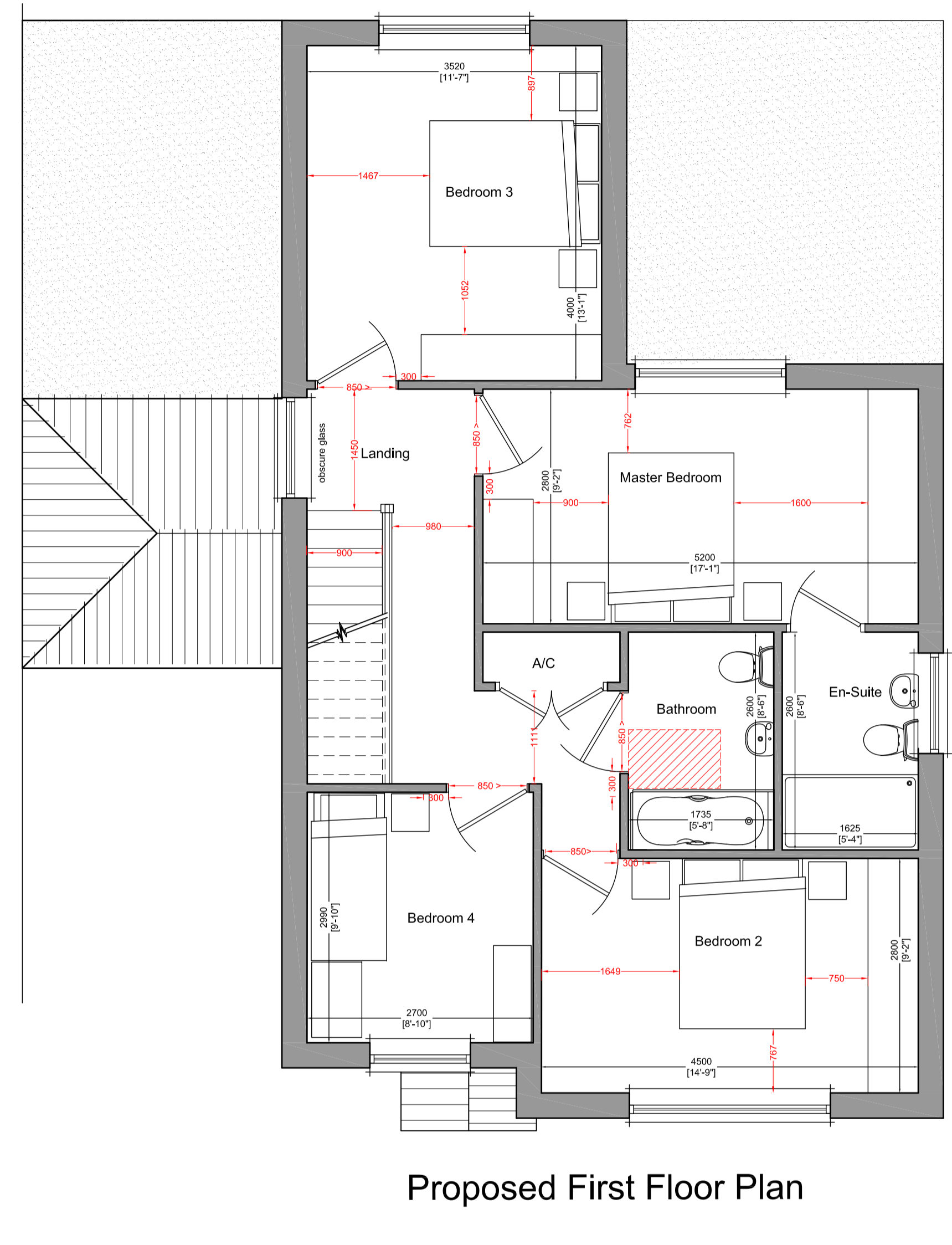
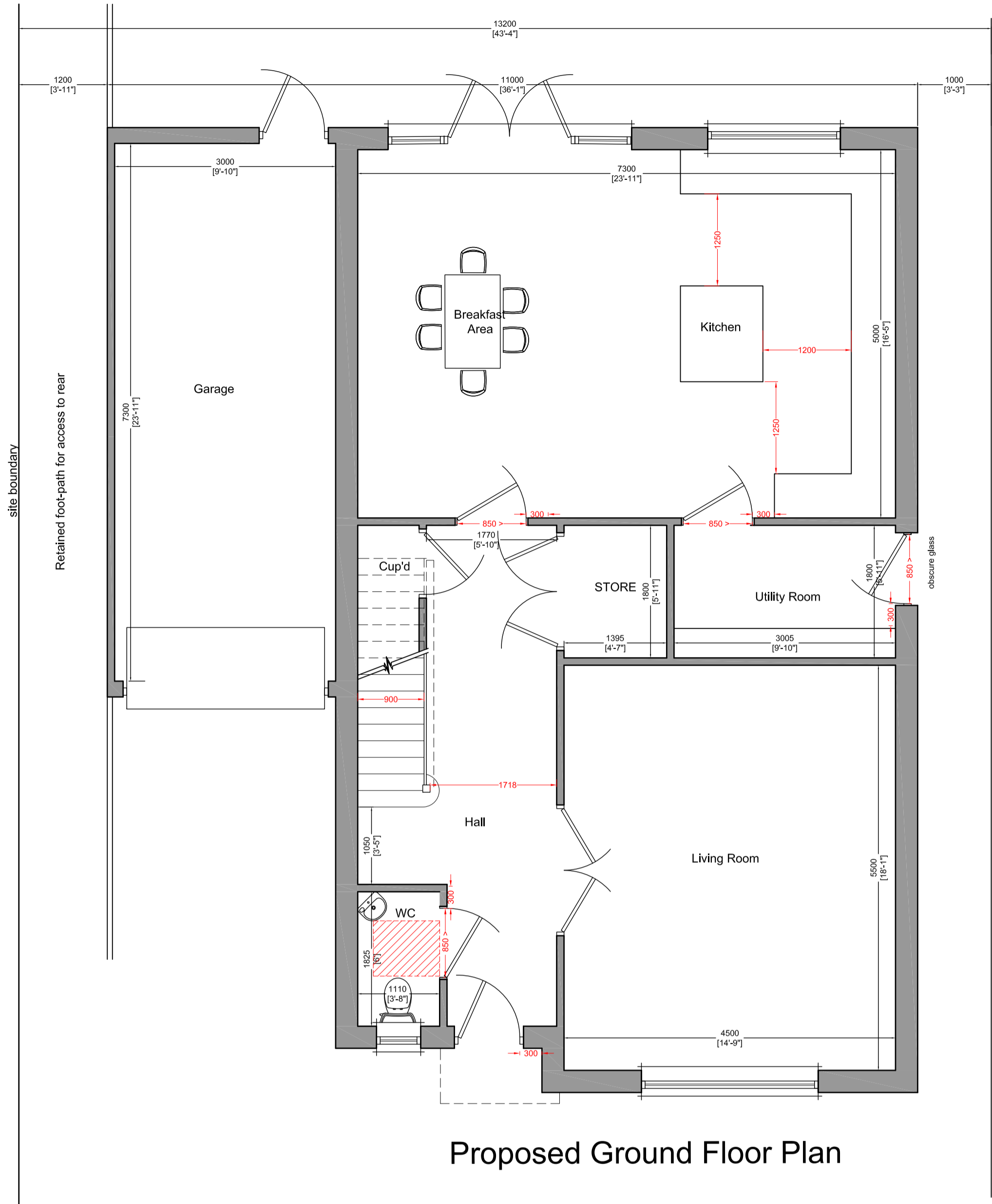
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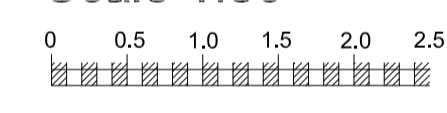
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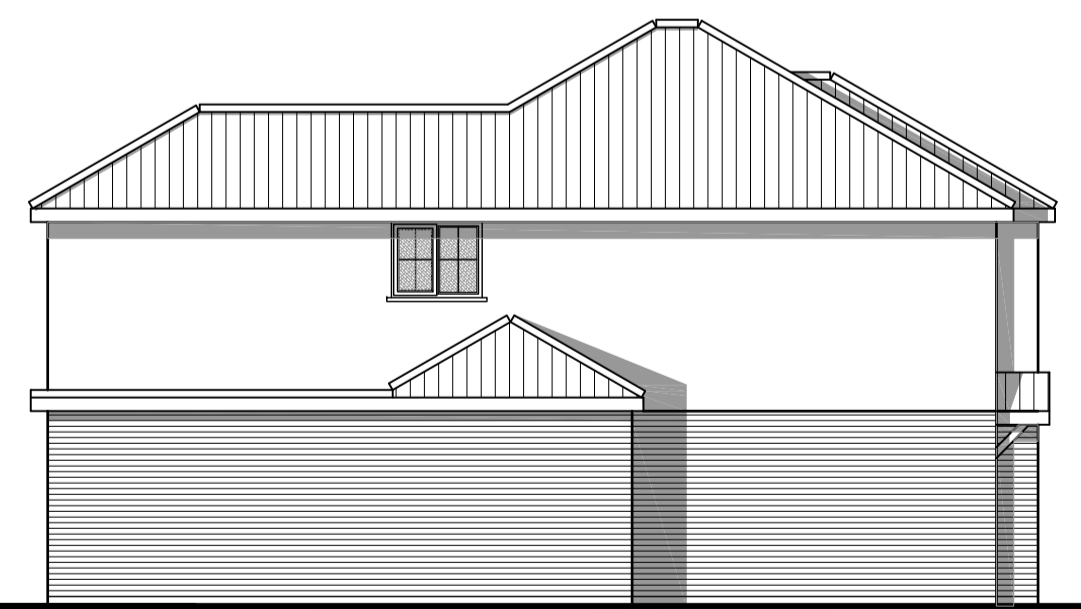
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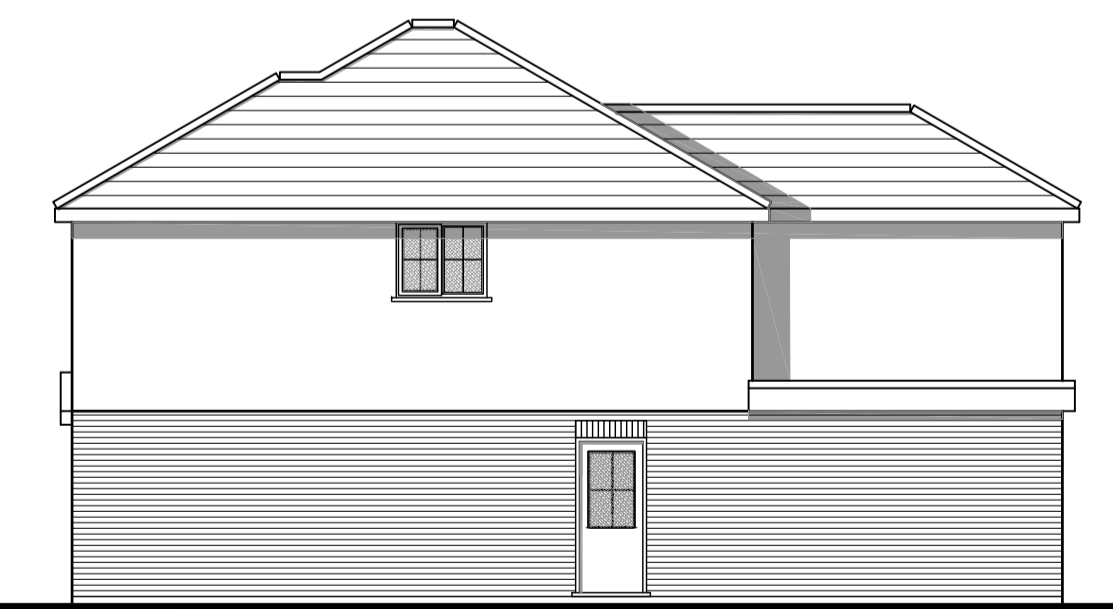
Proposed Front Elevation (North Facing)



Proposed Rear Elevation (South Facing)

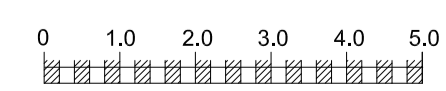


Proposed Side Elevation (East Facing)



Proposed Side Elevation (West Facing)

Scale 1:100



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Brian Davison Associates
 25 Galton Road, West-Bromsea
 Essex, SSO 1LE
 Tel: 01702 394488 Fax: 01702 394489

Project:
 Proposed Development of Land at
 Between 581-583 Rayleigh Road
 Eastwood, Leigh
 Essex

Client:
 .
 .

Drawing:
 Proposed General Arrangements

Scale: 1:50 & 1:100 Drawn by: A.Davison Date: March 2022

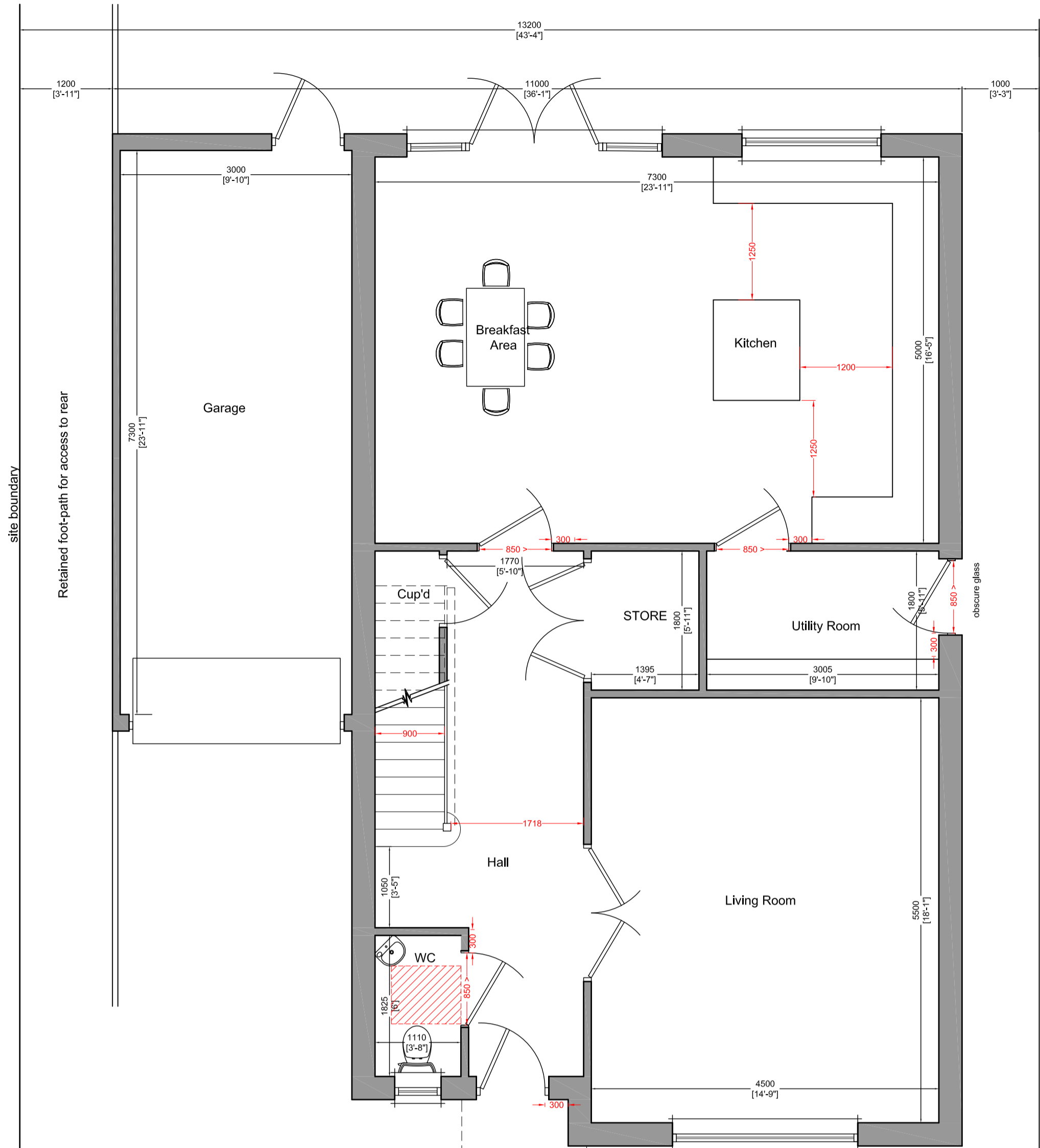
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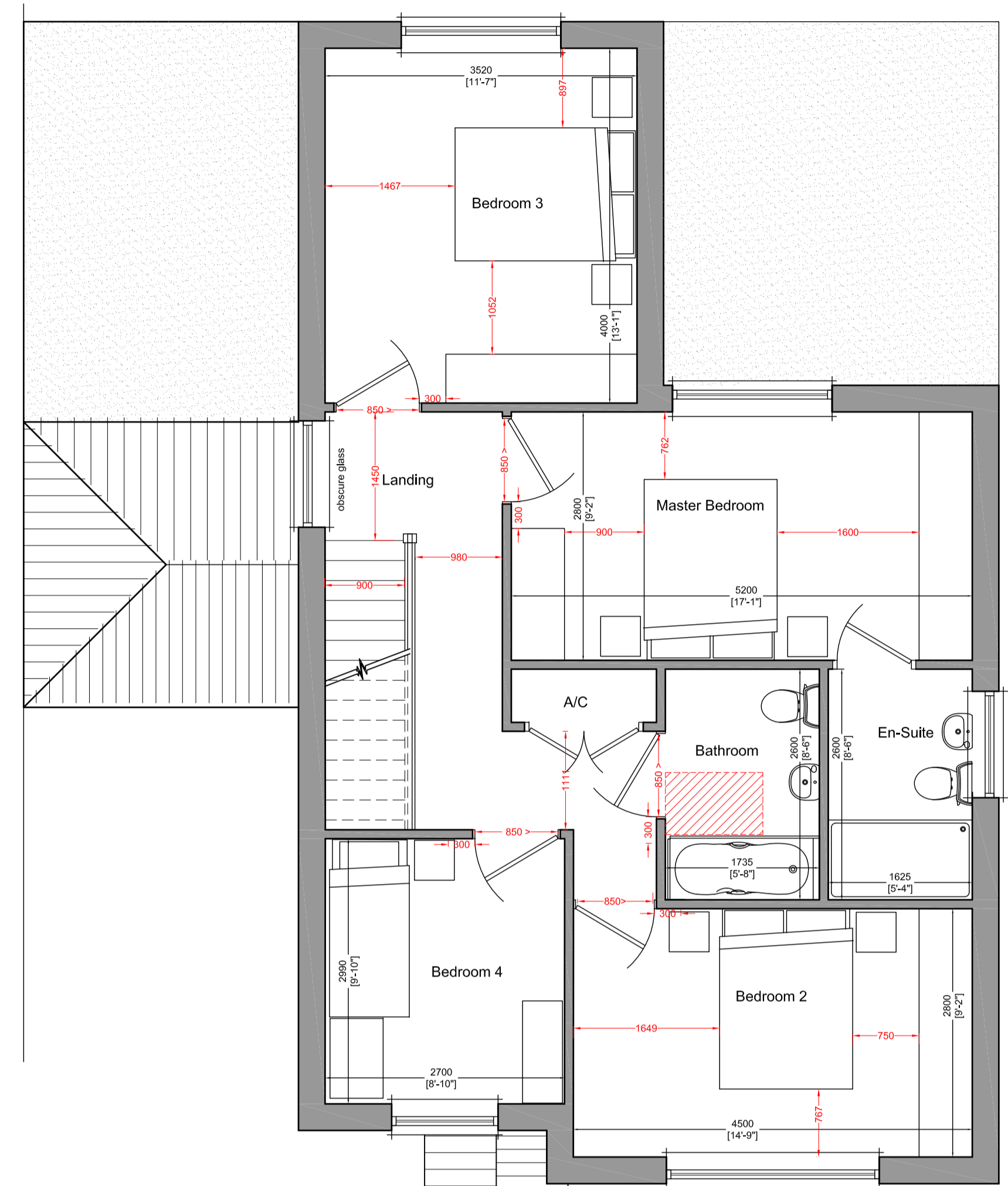
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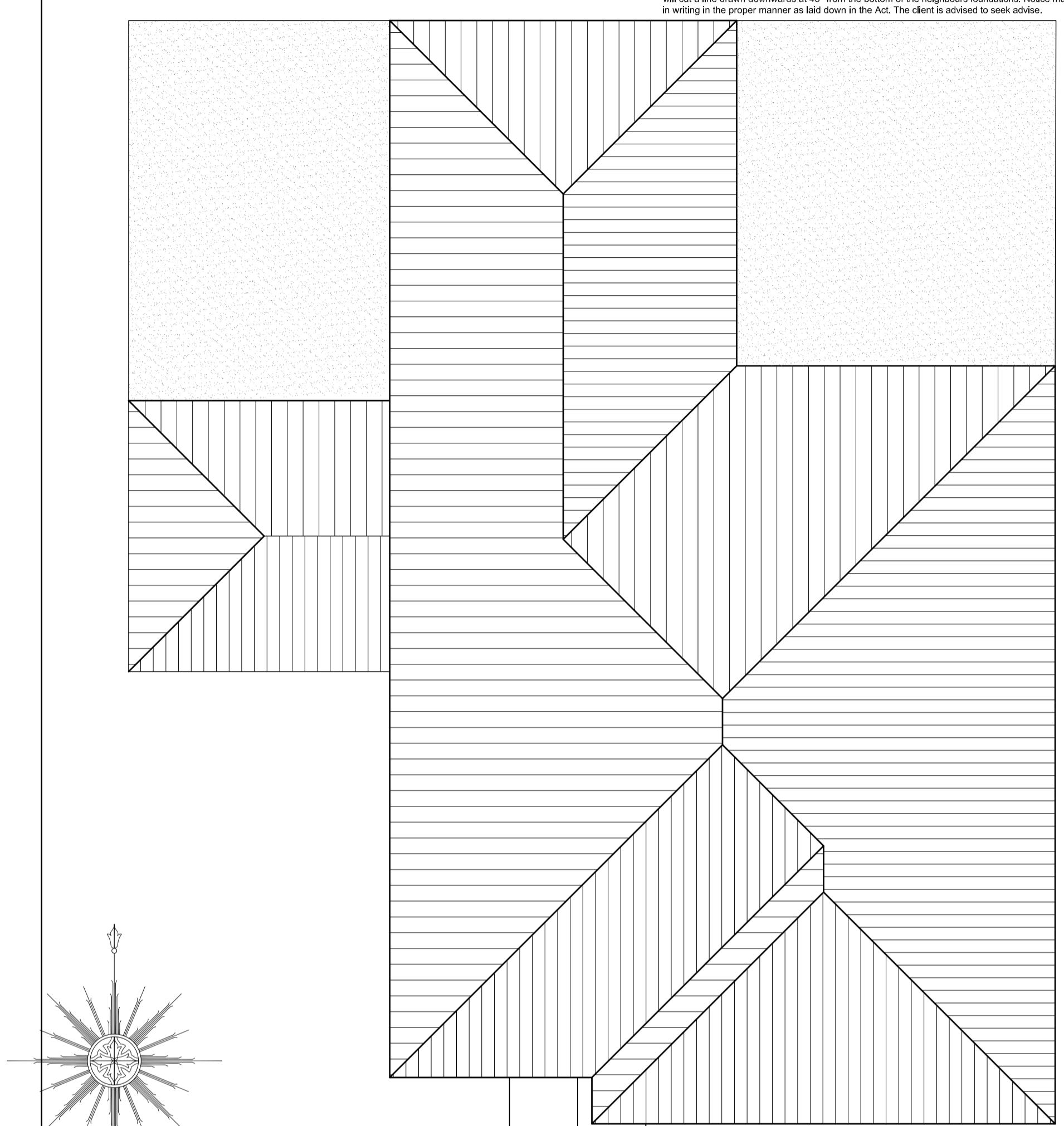
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Proposed Ground Floor Plan

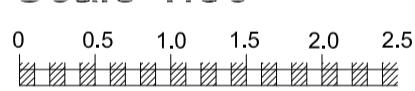


Proposed First Floor Plan



Proposed Roof Plan

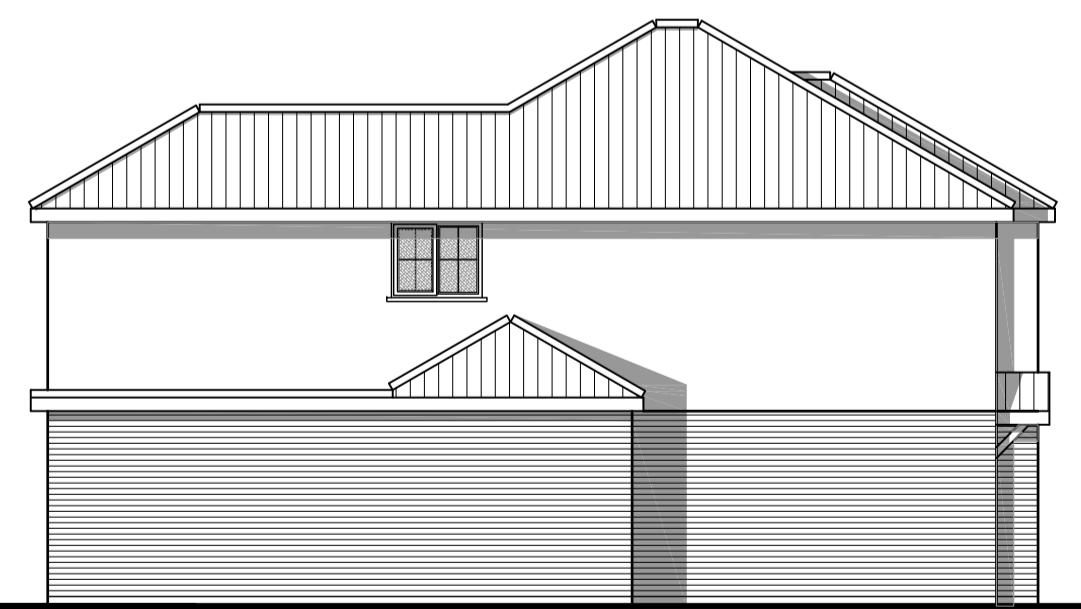
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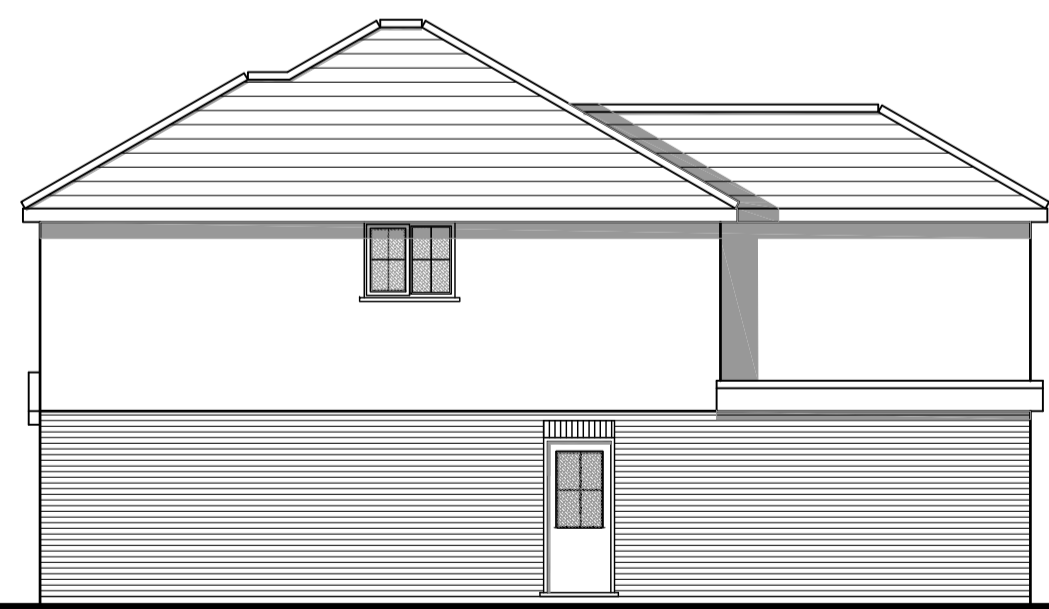
Proposed Front Elevation (North Facing)



Proposed Rear Elevation (South Facing)

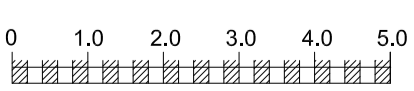


Proposed Side Elevation (East Facing)



Proposed Side Elevation (West Facing)

Scale 1:100



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Brian Davison Associates
25 Galton Road, West Wickham, Essex, SSO 1LE
Tel: 01702 394488 Fax: 01702 394489

Project:
Proposed Development of Land at
Between 581-583 Rayleigh Road
Eastwood, Leigh
Essex

Client:
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Drawing:
Proposed General Arrangements

Scale: 1:50 & 1:100
Drawn by: A. Davison
Date: March 2022

Drg no:
1697/300/E

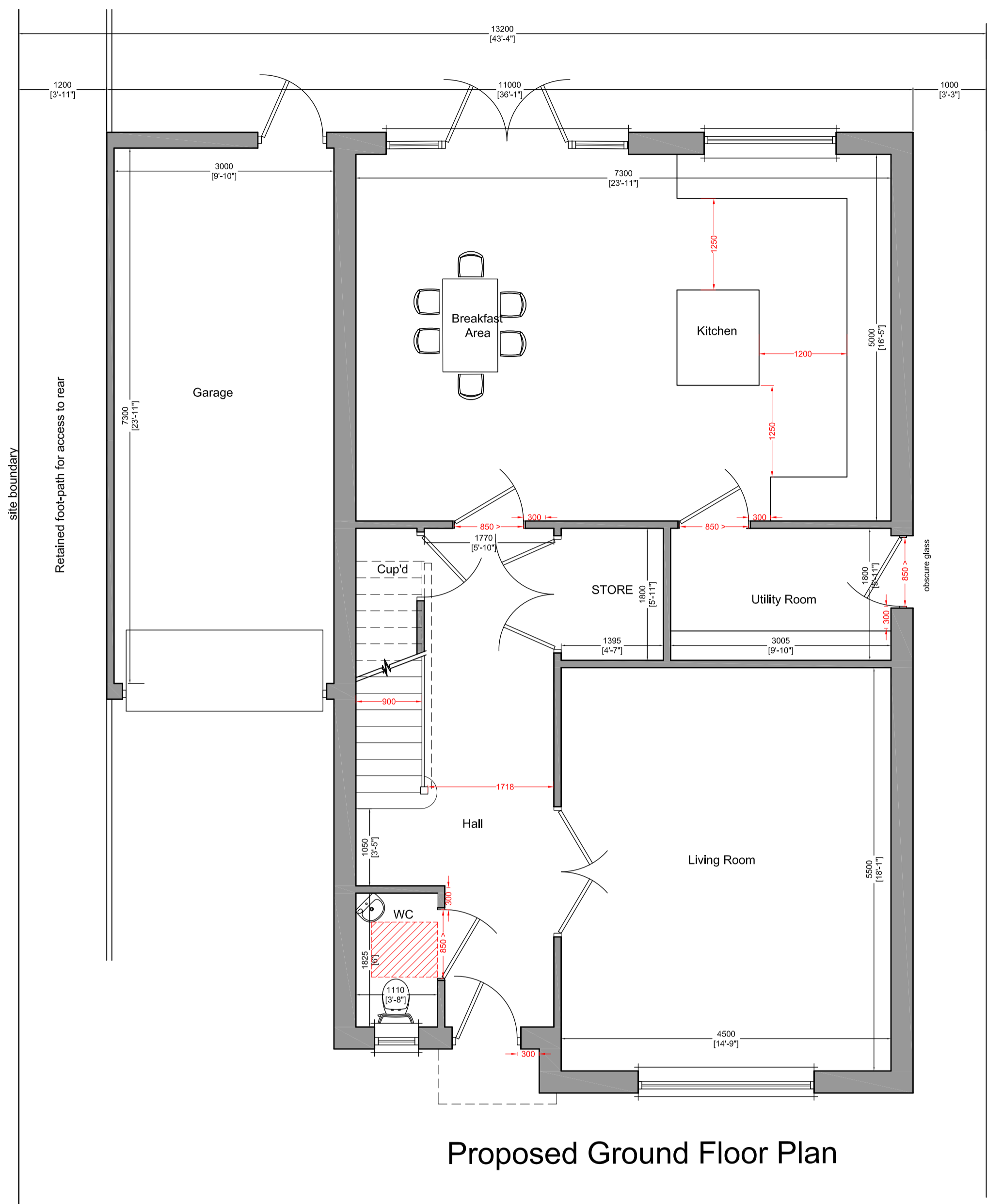


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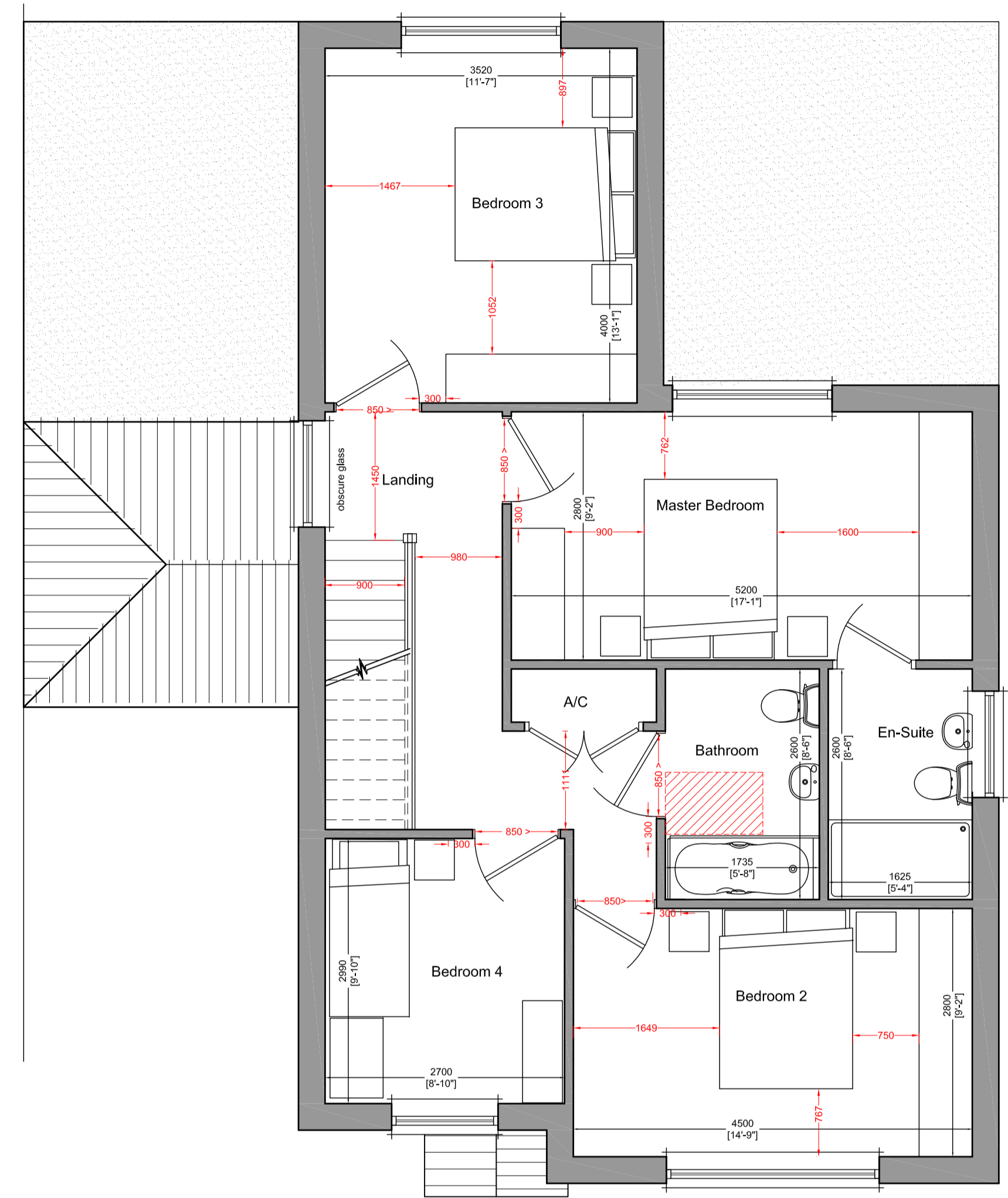
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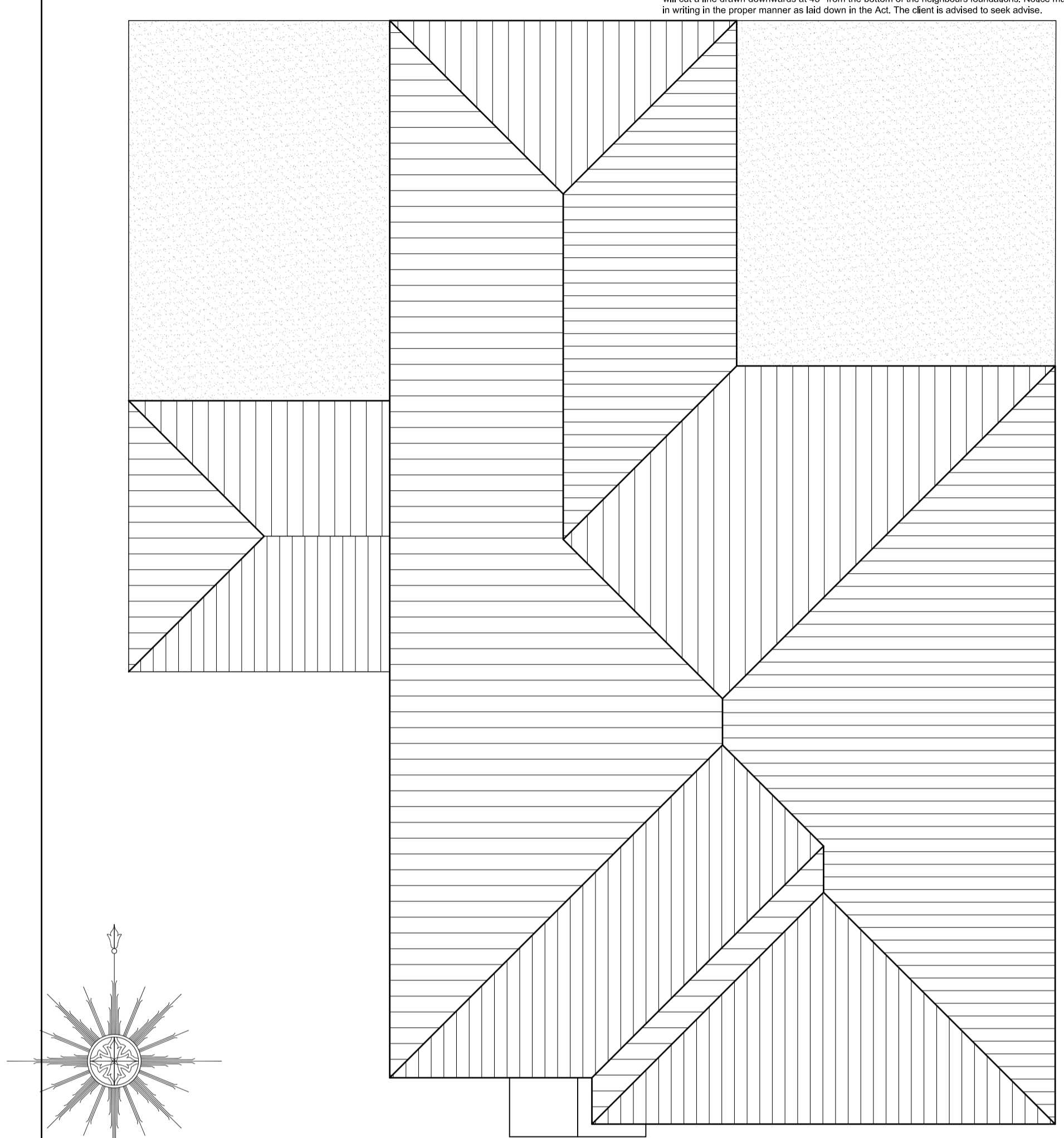
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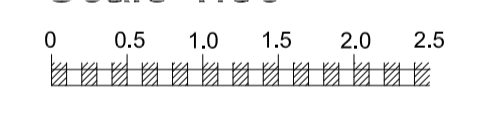


Proposed First Floor Plan



Proposed Roof Plan

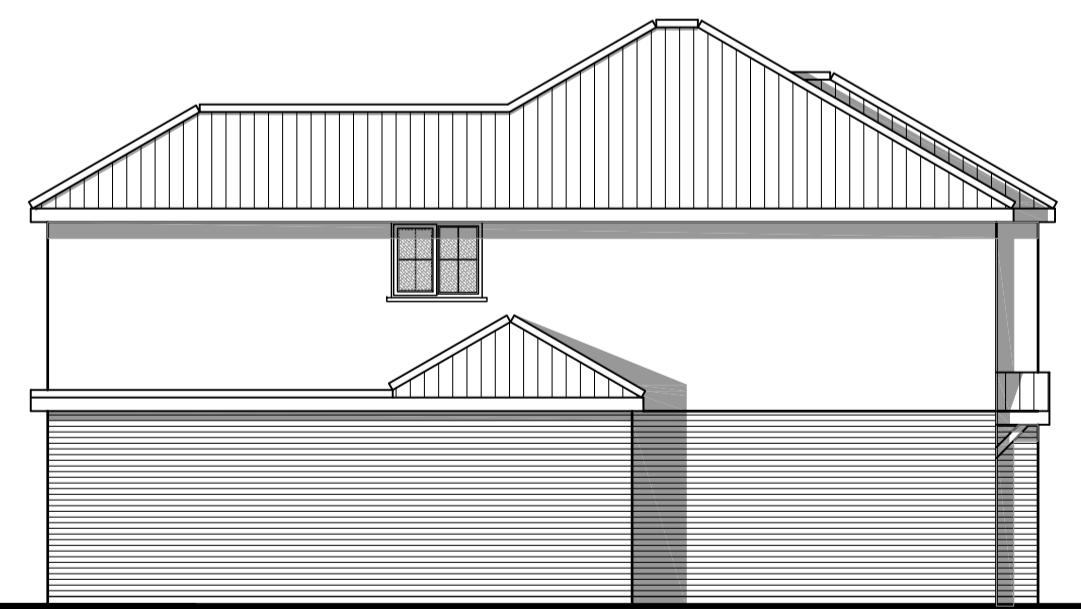
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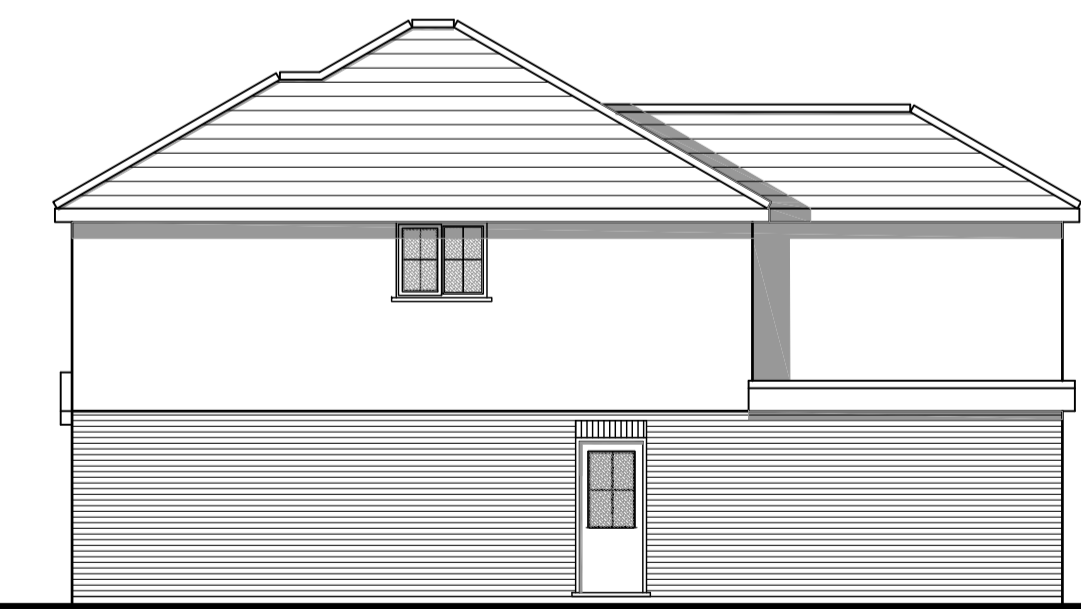
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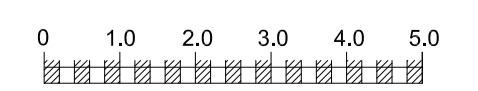


Proposed Side Elevation (East Facing)



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Scale 1:100



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Brian Davison Associates
25 Galton Road, West-Brom-Spa Essex, SS16 1LE
Tel: 01702 394488 Fax: 01702 394489

Project:
Proposed Development of Land at
Between 581-583 Rayleigh Road
Eastwood, Leigh
Essex

Client:

Drawing:
Proposed General Arrangements

Scale: 1:50 & 1:100
Drawn by: A. Davison
Date: March 2022

Drg no:
1697/300/E

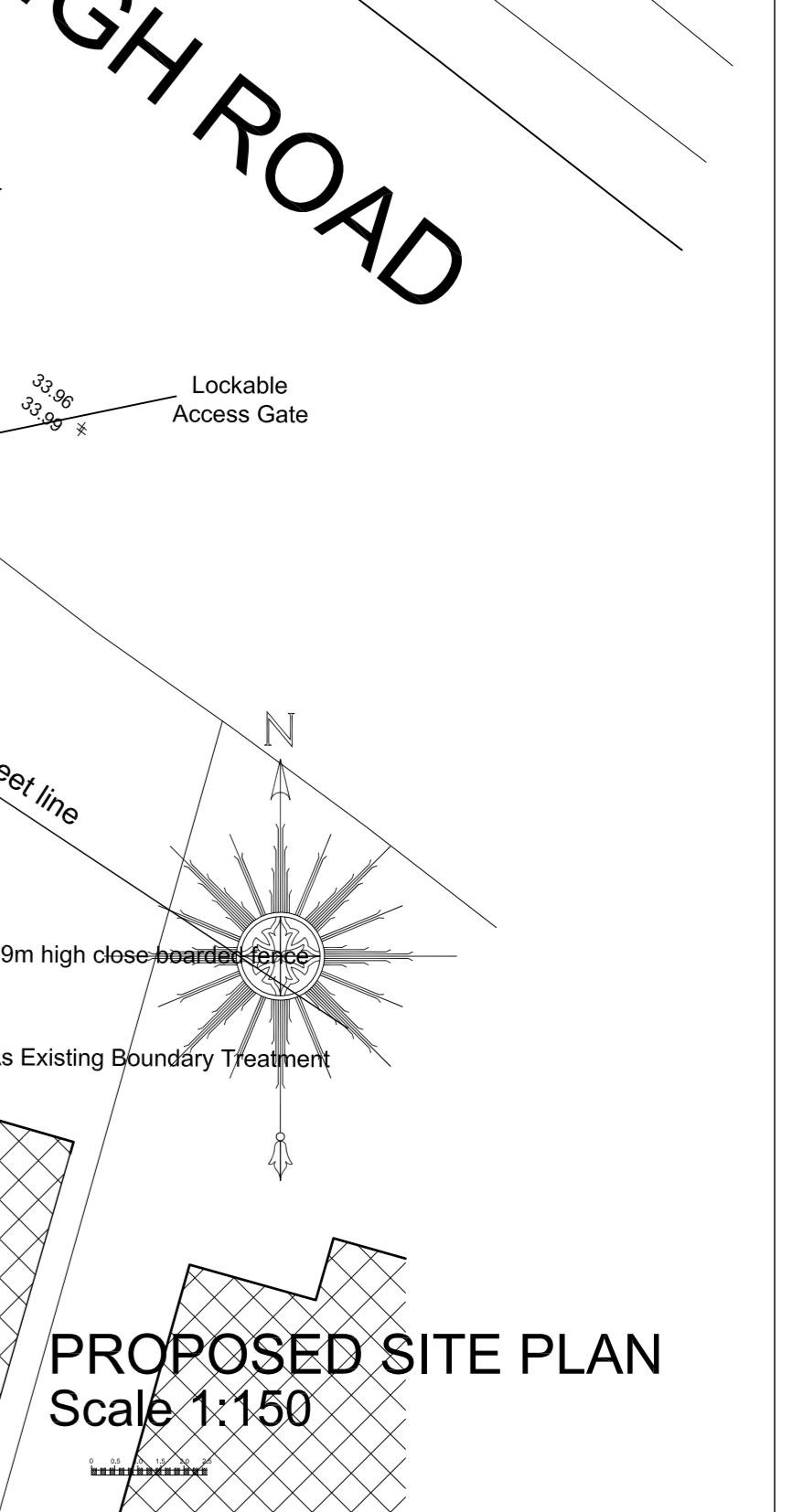
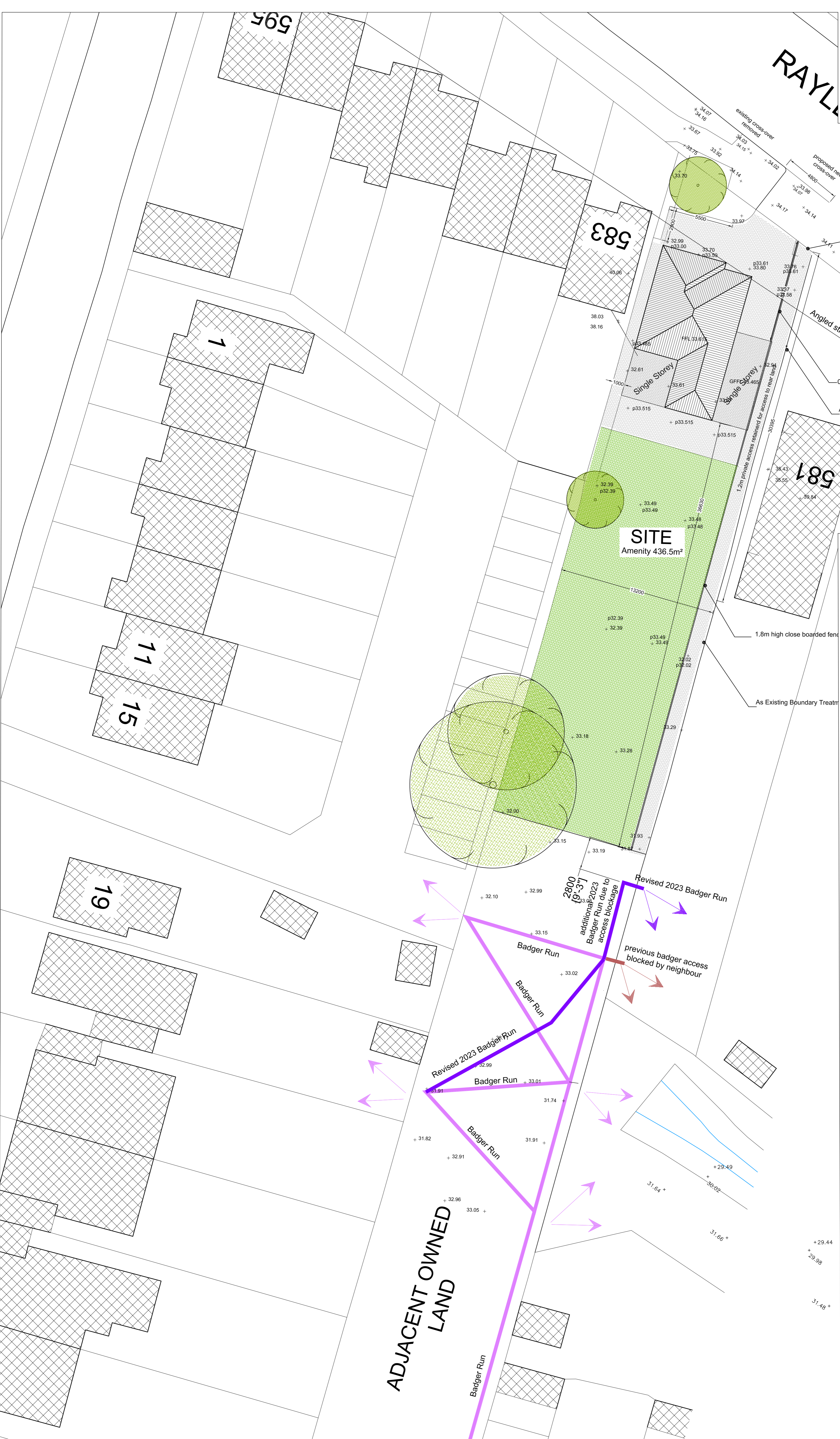


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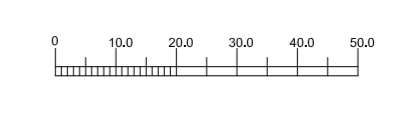
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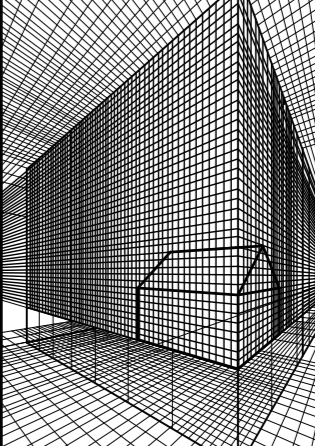
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PROPOSED LOCATION PLAN Scale 1:1250





The Complete Building Related Service

STRUCTURAL AND MEASURED SURVEY AND REPORTS, ARCHITECTURAL DESIGN, PLANNING APPROVALS AND APPEALS WORK.

Brian Davison Associates

25 Galton Road, Westcliff-on-Sea
 Essex, SSO 8LE
 Tel: 01702 394488 Fax: 01702 394499

Project:
 Proposed Development of Vacant Land
 Between 581-583 Rayleigh Road
 Eastwood
 Essex

Client:
 .
 .

Drawing:
 Proposed Site (including badger routes)
 + Location Plan

Scale: 1:150 & 1:1250 Drawn by: A.Davison Date: March 2022

Drq no:
1697/S1/E

EXISTING SITE PLAN Scale 1:150



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Land between 581-583 Rayleigh Road Eastwood

23/00242/FUL

May 2023

Application Site



Rayleigh Road Street scene to west of site



North side of Rayleigh Rd looking west



North side of Rayleigh Rd looking south to No.581t

171



North side of Rayleigh Rd looking east



Application site looking south



South of site looking north to Rayleigh Road(No.581)



174

Side and rear of 581 Rayleigh Road



View north towards Rayleigh Rd



View northwards to Rayleigh
Road (No.583)



View west of the site



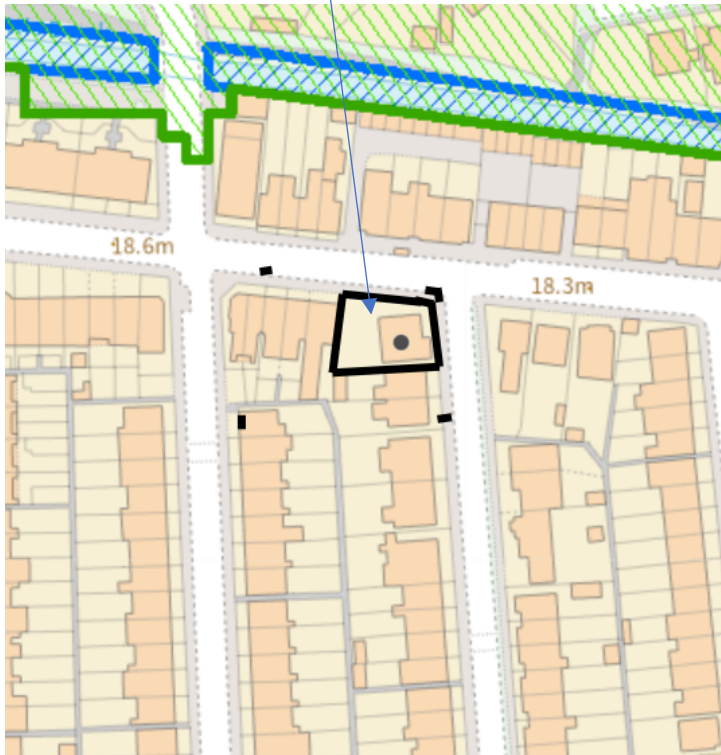
View to south of site



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| | | |
|------------------------------------|---|------------|
| Reference: | 22/00328/UNAU_B | <h1>9</h1> |
| Report Type: | Enforcement | |
| Ward: | Westborough | |
| Breach of Planning Control: | Erection of walls | |
| Address: | 141 Inverness Avenue, Westcliff-on-Sea, Essex | |
| Case Opened: | 2 nd December 2022 | |
| Case Officer: | Gabriella Fairley | |
| Recommendation: | AUTHORISE ENFORCEMENT ACTION | |

141 Inverness Avenue, Westcliff-on-Sea, Essex



1 Site and Surroundings

- 1.1 This site, on the corner of Fairfax Drive and Inverness Road, is set within a residential area and contains a detached bungalow. Ground levels slope gently down from south to north.
- 1.2 The site is not within a Conservation Area or subject to any site-specific planning policy designations.

2 Lawful Planning Use

- 2.1 The lawful planning use of the site is as a dwelling within Class C3 of the Town and Country Planning (Use Class Order) 1987 (as amended).

3 Relevant Planning History

- 3.1 23/00524/FULH (the “2023 Application”) - Erect replacement boundary wall to both Inverness Avenue and Fairfax Drive elevations, erect porch to front elevation and layout hardstanding area (Retrospective). Refused.

Reason for refusal

01 The boundary walls along Fairfax Drive and Inverness Avenue are stark and prominent additions to the streetscene and would be materially out of keeping, resulting in significant harm to the character and appearance of the existing dwelling and the wider streetscene. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policies KP2 and CP4 of the Southend-on-Sea Strategy (2007) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land)
- 4.5 Southend-on-Sea Design and Townscape Guide (2009)
- 4.6 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 4.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5 The alleged planning breach, harm caused and efforts to resolve breach to date

5.1 The identified breach of planning control is:

- The erection of a boundary wall along Fairfax Drive and Inverness Avenue, the creation of a hardstanding and the erection of a porch.

5.2 The boundary wall along Fairfax Drive is some 1.98m high and 13.6m wide, is finished in render and replaces a previous smaller wall some 1m high with a fence above some 1.1m high. The boundary wall along Inverness Avenue has replaced a 1.8m high fence, is a maximum 2m high and minimum 1.1m high, and is finished in brick.

5.3 A brick porch has been erected on the dwelling's Inverness Avenue elevation some 1.3m deep, 1.6m wide and 3.1m high.

5.4 An area of hardstanding has been constructed wrapping around the dwelling some 16m wide and 5m deep, finished in gravel.

5.5 The development is considered not to be lawful under permitted development rights and in the absence of any planning permission, is considered to be unauthorised. That finding has not been tested by way of any application for a Certificate of Lawful Development and is based on reasonable site inspection undertaken by staff for the assessment and determination of the unsuccessful 2023 Application.

5.6 In December 2022 a complaint was received by the Council alleging that a wall had been erected. The homeowner was advised this was unauthorised which resulted in the submission of a retrospective planning application, the 2023 Application (reference 23/00524/FULH), received by the Local Planning Authority (LPA) on 29th March 2023.

5.7 Through determination of the 2023 Application on 29th June 2023 this LPA found that when assessed on their own merits the porch and hardstanding would be acceptable, but that the boundary walling is unacceptable and harmful for the design and character reasons stated in paragraph 3.2 above. The detailed analysis including the development's conflict with design and character policies and guidance is contained in the officer's report for the 2023 Application, attached as Appendix 1 to this report.

5.8 The report in Appendix 1 explains that the site's rendered wall, which now fronts Fairfax Drive, has replaced a former lower brick wall and hedge to the easternmost part of this frontage and a lower brick wall topped with a timber fence to the westernmost part of this frontage. The replacement wall is the same height as the original wall and fence but some 2.4m longer. The Fairfax Drive streetscene is characterised by properties with low brick walls or fences or by open frontages. It was found that the whole of the rendered wall along Fairfax Drive is prominent,

stark, and out of keeping with the streetscene and significantly harms the character and appearance of the host dwelling and this streetscene more widely.

- 5.9 The brick boundary wall along Inverness Avenue has part replaced a former fence (which replaced a part burr brick wall of less extent). A further section some 2.9m wide and maximum 1.8m high and minimum 1m high has been erected north of the porch. The new brick wall is some 0.2m higher than the original fence. Front boundary treatment along Inverness Avenue is characterised by low brick walls with no tall boundary treatment on the opposite side of the Fairfax Road junction. Altogether, due to its height, extent and materials, the walling is prominent, stark and out of keeping with the general Inverness Avenue streetscene and significantly harms the character and appearance of the host dwelling and this streetscene more widely.

Enforcement and Legal Action

- 5.10 Given the harm identified above, it is reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. Enforcement action in this case will reasonably aim to secure the removal of the unauthorised boundary walling in its entirety and remove from site all materials resulting from compliance. Alternatively, any enforcement action must secure the reduction of the walling to no more than 1m in height, which is what can be constructed under the provisions of permitted development in this location. It is considered that there are no lesser steps that could reasonably remedy the identified breach or associated harm in this instance.
- 5.11 By not enforcing against the installed hardstanding or the erected porch, the LPA is underenforcing. The legal effect of underenforcement is that planning permission is automatically granted for these elements of the development. As discussed in the relevant paragraphs, these elements of the development are not considered to be harmful and there are no conditions that would have to be imposed if planning permission were to be granted. Therefore, the enforcement action does not need to include the hardstanding or the porch.
- 5.12 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to be regularised and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm.
- 5.13 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area in the public interest.

6 Equality and Diversity Issues

- 6.1 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 planning enforcement case and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

7 Recommendation

7.1 Members are recommended to:

AUTHORISE ENFORCEMENT ACTION to:

a.1) Remove from the site the boundary wall treatment along Fairfax Drive and Inverness Avenue in its entirety;

OR

a.2) Reduce to no more than 1m in height the boundary wall treatment at the site along Fairfax Drive and Inverness Avenue;

AND

b) Remove from site all materials resulting from compliance with either a.1) or a.2) above.

7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

7.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of three (3) months is considered reasonable in compliance with any of the above requirements.

Appendix 1

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| Reference: | 23/00524/FULH |
| Application Type: | Full Application - Householder |
| Ward: | Westborough |
| Proposal: | Erect replacement boundary wall to both Inverness Avenue and Fairfax Drive elevations, erect porch to front elevation and layout hardstanding area (Retrospective) |
| Address: | 141 Inverness Avenue, Westcliff-on-Sea, Essex |
| Applicant: | Mr Kalam Bhuiyan |
| Agent: | Mr Reaz Alam of Jess Design Consultants |
| Consultation Expiry: | 1st June 2023 |
| Expiry Date: | 29th June 2023 |
| Case Officer: | Gabriella Fairley |
| Plan Nos: | AL (00)001, AL (00)002 (Rev A), AL (00)003 |
| Recommendation: | REFUSE PLANNING PERMISSION |

1 Site and Surroundings

- 1.1 The application site on the corner of Fairfax Drive and Inverness Road, is set within a residential area and contains a detached bungalow. The front of the dwelling faces Inverness Avenue. Ground levels slope gently 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 Retrospective planning permission is sought for boundary walls to the Inverness Avenue and Fairfax Drive elevations, a porch to the front elevation and layout hardstanding to the front and side of the site.
- 2.2 A boundary wall has been erected along Fairfax Drive, it is some 1.98m high and 13.6m long and is finished in render. Previously, there was a low wall some 1m high, with a fence above some 1.1m high. along this boundary.
- 2.3 A 1.1m – 2m high brick wall has been erected along the boundary facing Inverness Avenue.
- 2.4 A flat roofed porch has been erected to the front elevation facing Inverness Avenue, it is some 1.3m deep, 1.6m wide and 3.1m high and finished in brick. The

porch has a side window on the northern elevation and an entrance door and window to the front. No floor plans have been submitted for the porch; however, this has not prejudiced the assessment of this application. The porch replaces a smaller, pitched roof porch, approximately 1.3m deep, 1.5m wide and 2.4m to the eaves and a maximum 3m high.

- 2.5 An area of hardstanding has been constructed to the front and side, wrapping around the dwelling, some 16m wide and 5m deep, with a total surface area of some 61.22sqm, finished in gravel. Prior to the development, a smaller paved hardstanding was in place.
- 2.6 The application was submitted following an enforcement investigation.

3 Relevant Planning History

- 3.1 22/00328/UNAU_B – Erection of a wall. Ongoing

4 Representation Summary

Public Consultation

- 4.1 Sixteen (16) neighbouring properties were notified of the application by letter and a site notice was displayed. No letters of representation have been received.

Highways

- 4.2 Objection – Currently, the site does not have an authorised vehicle crossover. It should be noted that it would be unlikely to be approved if the applicant applied for a vehicle crossover as it does not accord with the vehicle crossover guidance and any use of the hardstanding to accommodate a vehicle could lead to enforcement action.
- 4.3 No objection to the wall, as it does not impact on sight lines.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).
- 5.5 The Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal

Principle of Development

- 6.1 The principle of altering and extending an existing dwelling is considered acceptable and policy compliant, subject to the development appropriately addressing the relevant detailed planning considerations.

Design and Impact on the Character of the Area

- 6.2 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.
- 6.3 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 Design and Townscape Guide provide further details on how this can be achieved.
- 6.4 The replacement porch would be some 0.4m wider and 0.5m higher to the eaves than the previous porch and would have a flat roof rather than a sloping roof. The side window replaces a window that was previously in place. Due to the modest size and scale of the development, it is considered that the porch does not significantly harm the character and appearance of the host dwelling and the streetscene more widely.
- 6.5 The wall which fronts Fairfax Drive replaces a low brick wall and hedge to the eastern most part of the frontage and a low brick wall topped with a timber fence to the westmost part of the frontage. The replacement wall is the same height as the original wall and fence however, it is some 2.4m longer. The Fairfax Drive streetscene is characterised by properties with low brick walls or fences or by open frontages. It is considered that the rendered wall along Fairfax Drive would appear prominent, stark, and out of keeping with the streetscene and would result in significant harm to the character and appearance of the host dwelling and streetscene more widely.
- 6.6 The boundary wall along Inverness Avenue would part replace a fence. A further section measuring some 2.9m wide and maximum 1.8m high and minimum 1m high has been erected north of the porch. The new brick wall is some 0.2m higher than the original fence. Front boundary treatment along Inverness Avenue is characterised by low brick walls. Due to the height of the brick wall and the materials used, the wall would appear prominent, stark and out of keeping with the streetscene and would result in significant harm to the character and appearance of the host dwelling and streetscene more widely.
- 6.7 There are examples of areas of hardstanding along Fairfax Drive, particularly at No. 180, 182 Fairfax Drive, as well as Inverness Avenue. The proposed materials for the hardstanding would be permeable, limiting any surface run-off during heavy

rainfall. The hardstanding is not considered to lead to any significantly harmful impacts on the character and appearance of the host dwelling or the streetscene more widely.

- 6.8 For the reasons set out above, the development is therefore considered to be unacceptable and contrary to relevant policies in terms of its impact on the character and appearance of the site, the street scene, and the area more widely.

Amenity Impacts

- 6.9 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.
- 6.10 The replacement boundary treatment would not result in significant harm to any neighbouring properties in any relevant regards.
- 6.11 The hardstanding is some 13m from No. 173 Fairfax Drive, opposite the site, which is a takeaway restaurant. Due to the ambient noise and light created from the traffic on Fairfax Drive, it is not considered that the hardstanding would result in any new significantly harmful amenity impacts on any neighbouring property in any relevant regards.
- 6.12 The porch is not considered to result in any significantly harmful amenity impacts in any relevant regards.
- 6.13 The development is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 6.14 Paragraph 111 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'.
- 6.15 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.
- 6.16 There is no vehicular access to the hardstanding at present and the application does not include a vehicular access and therefore the hardstanding has not been assessed as parking area. Highways officers raise an objection to the hardstanding being used for parking as currently the site does not have an authorised vehicle crossover. The officer notes that an access would be unlikely to be approved as it does not accord with the vehicle crossover guidance. If the

application were considered to be otherwise acceptable and informative would be added to that effect.

- 6.17 The proposal's impact on highway and pedestrian safety is therefore considered to be acceptable and policy compliant.

Equality and Diversity Issues

- 6.18 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 6.19 For the reasons outlined above, the development is found to be unacceptable and contrary to 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 refused.

7 Recommendation

- 7.1 **REFUSE PLANNING PERMISSION for the following reasons:**

- 01 The boundary walls along Fairfax Drive and Inverness Avenue are stark and prominent additions to the streetscene and would be materially out of keeping, resulting in significant harm to the character and appearance of the existing dwelling and the wider streetscene. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policies KP2 and CP4 of the Southend-on-Sea Strategy (2007) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea design and Townscape Guide (2009).**

Informatives:

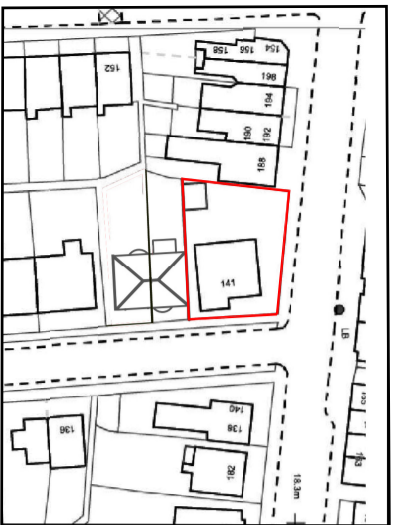
- 1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See for further details about the Levy.**

Positive and Proactive Statement

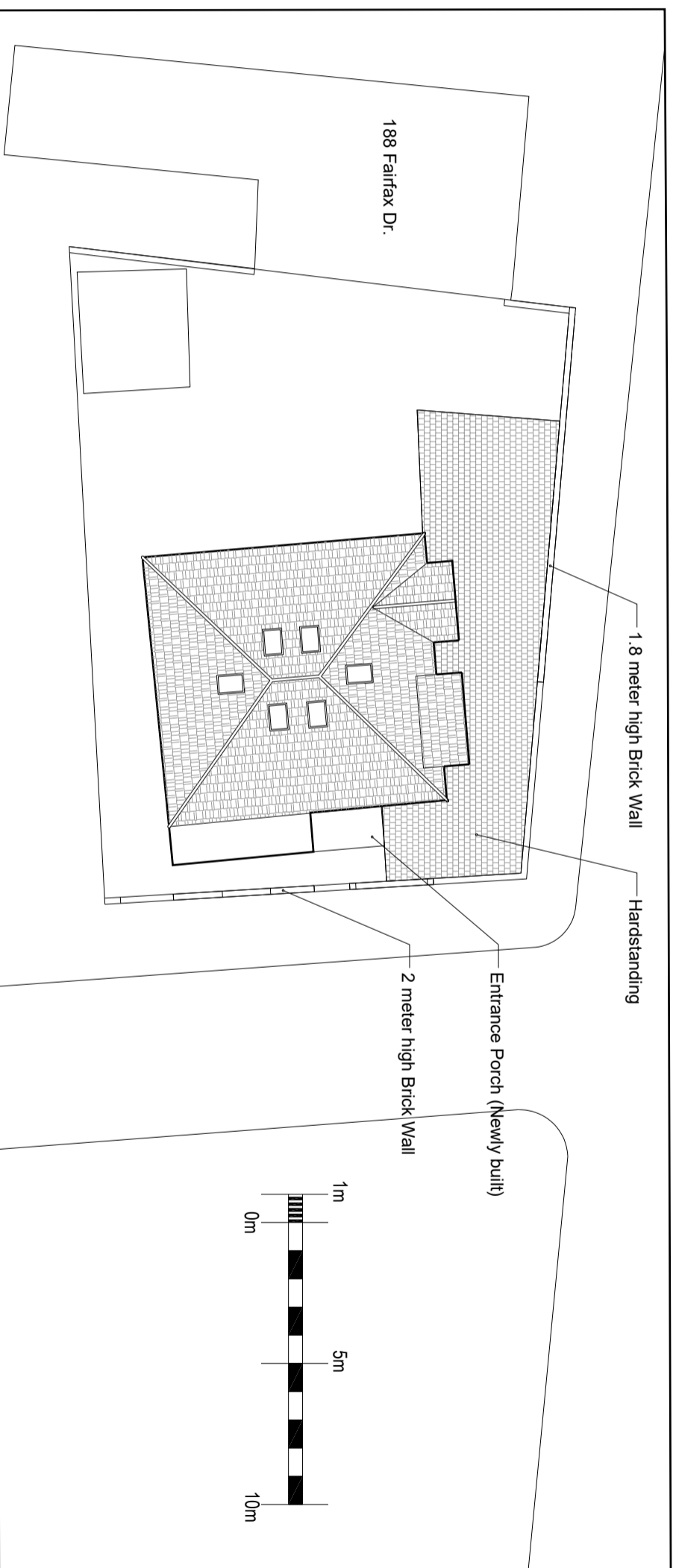
The Local Planning Authority has acted positively and proactively in

determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action via the pre-application service available at https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

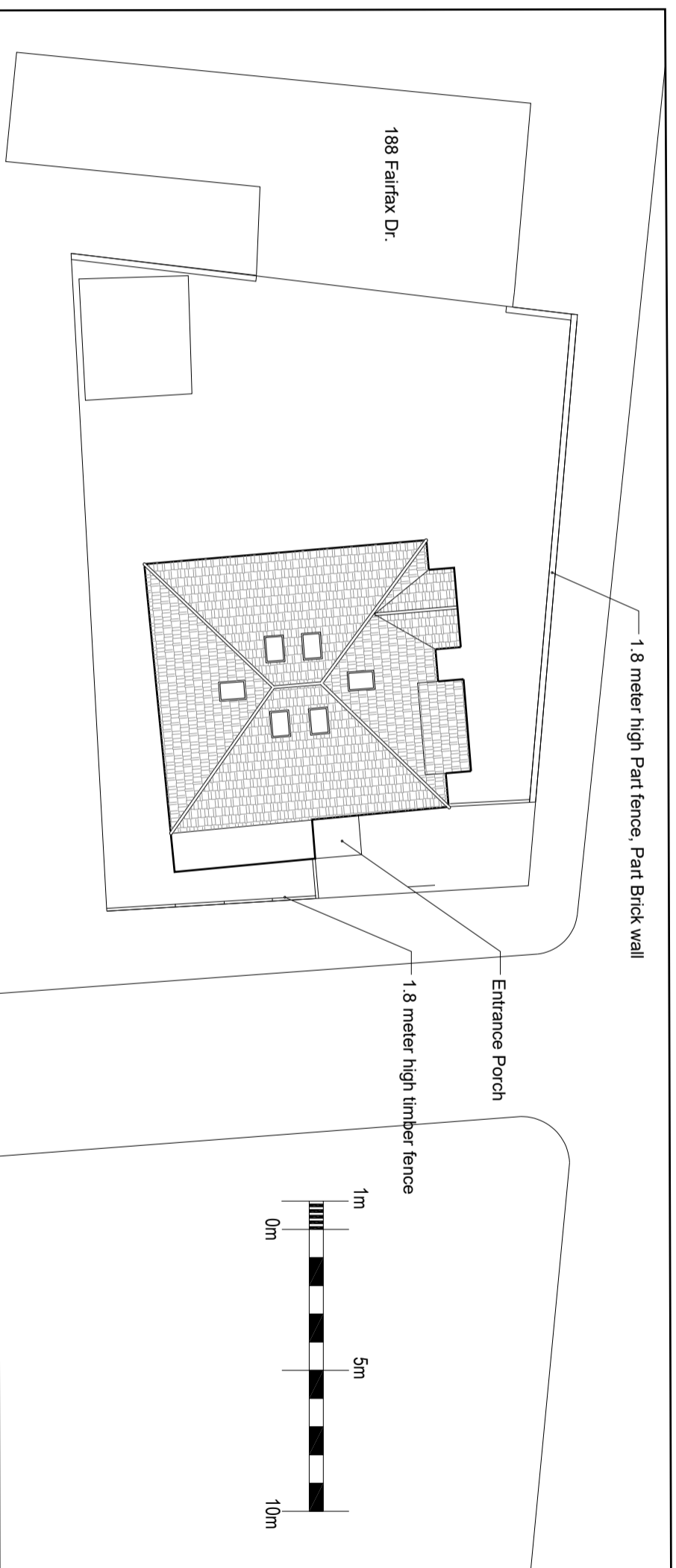
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OS map
Scale - 1:1250



Block Plan (As-built)
Scale - 1:200



Block Plan
Scale - 1:200

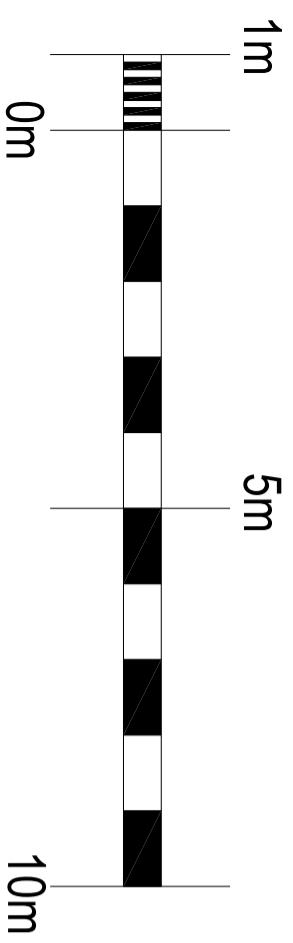
141 Inverness Avenue
WESTCLIFF-ON-SEA
SS0 9DU
Dwg No. AL(00)001
Rev.

Title
OS Map and Block Plan

Date 20/03/23
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Status Planning
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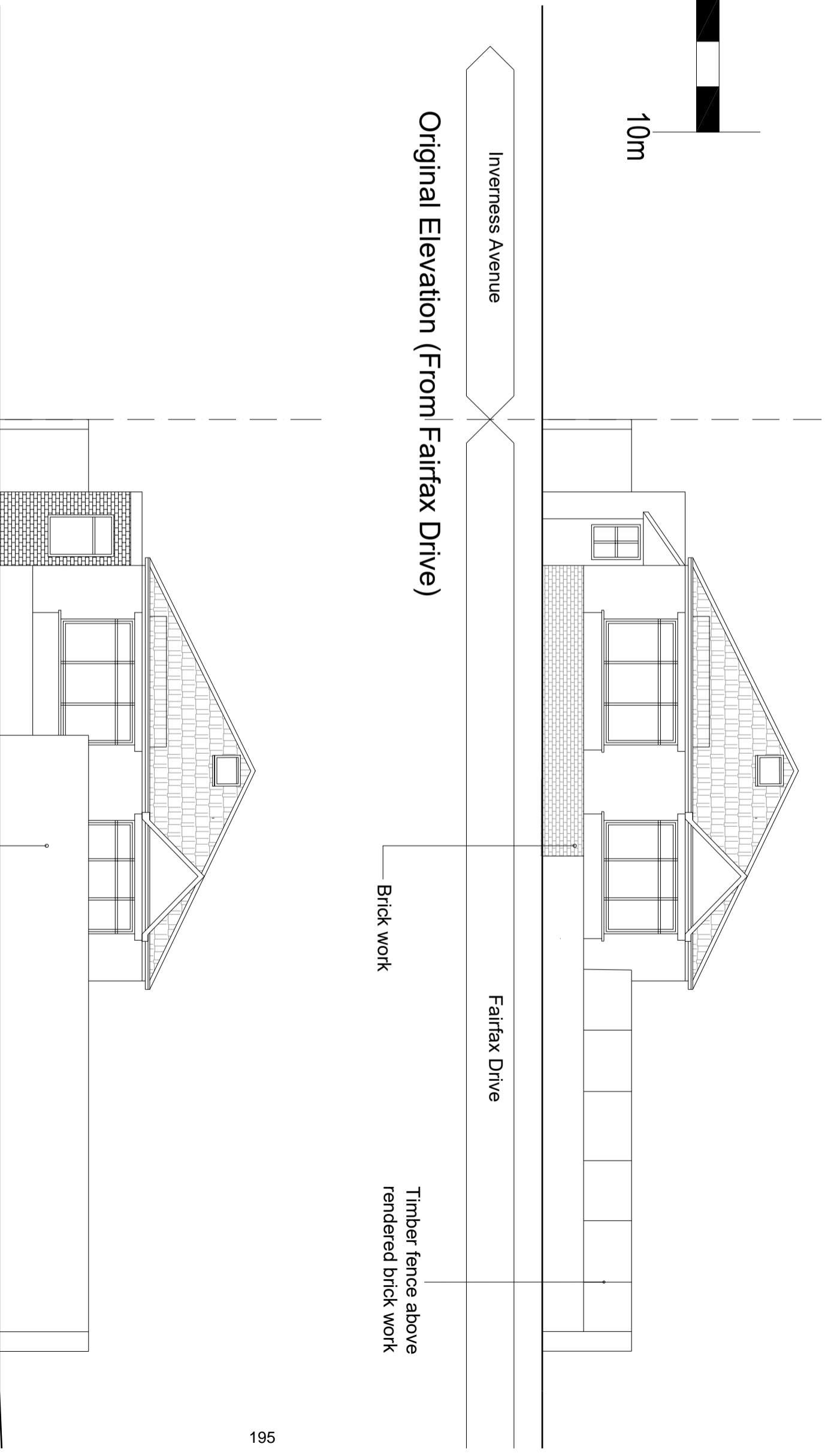
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Original Elevation (From Fairfax Drive)

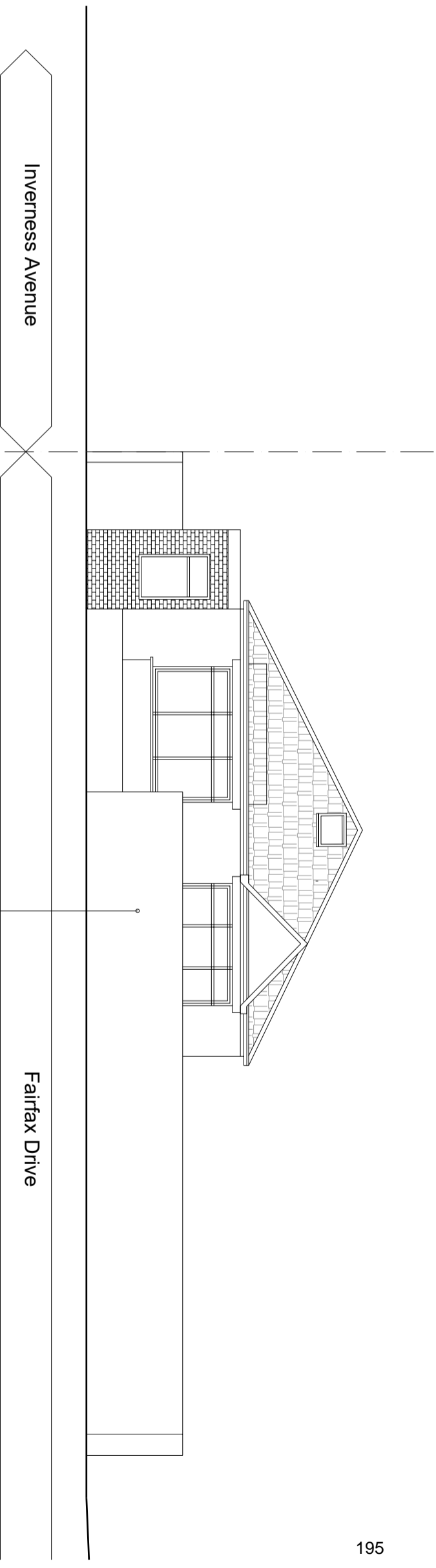
Brick work

Timber fence above rendered brick work



As built Elevation (From Fairfax Drive)

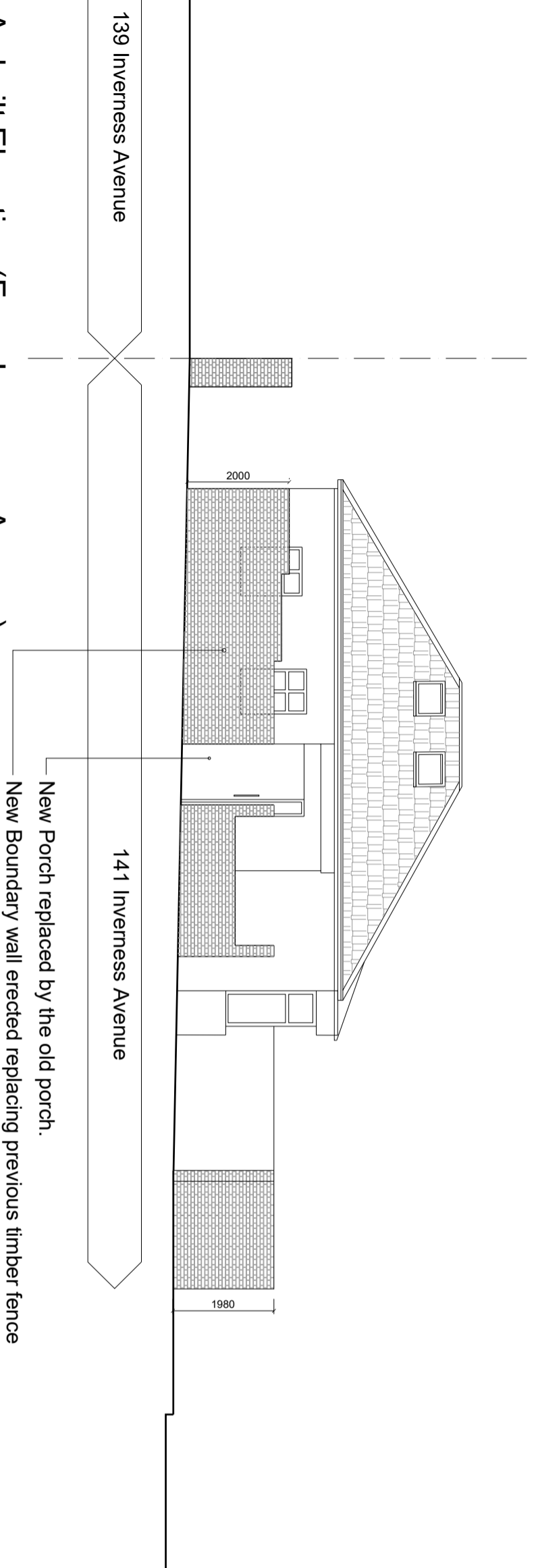
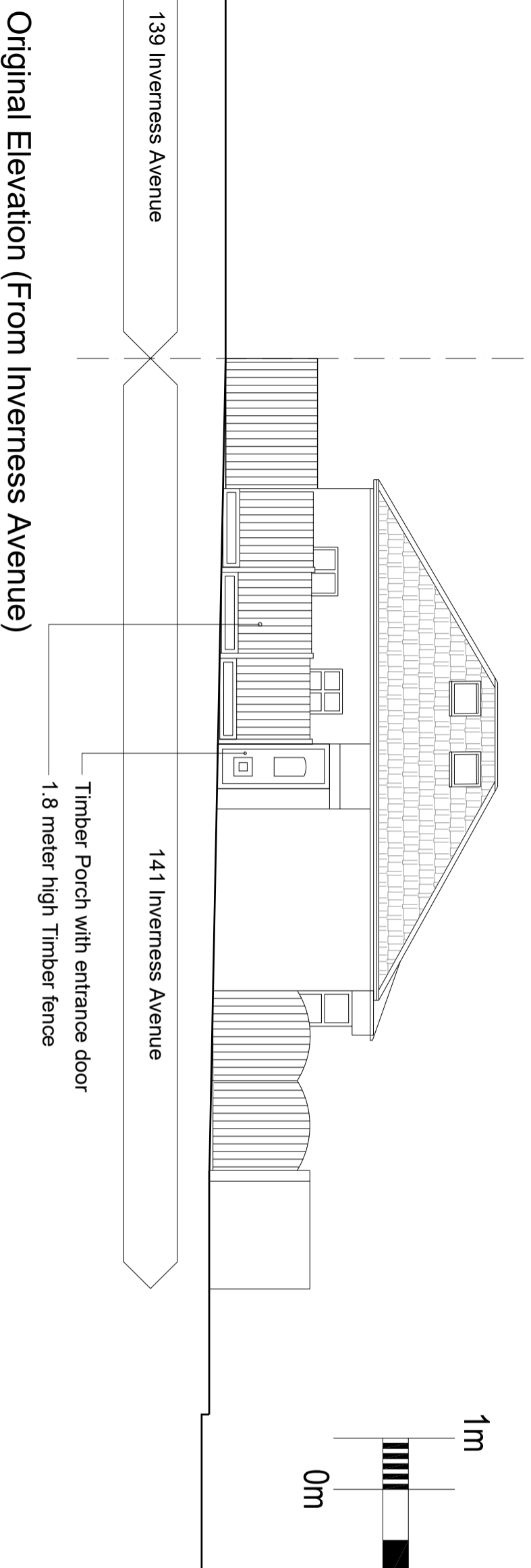
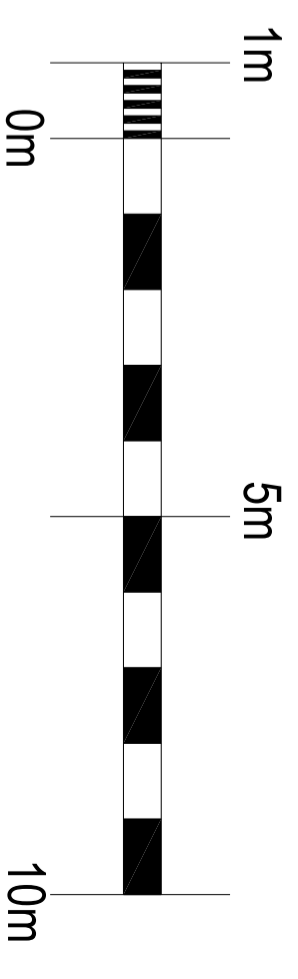
Rendered Brick work



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| 141 Inverness Avenue | | Dwg No. | | Rev. | |
| WESTCLIFF-ON-SEA | | AL(00)003 | | | |
| SS0 9DU | | | | | |
| Title | | | | | |
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As built Elevation (From Inverness Avenue)

Original Elevation (From Inverness Avenue)

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141 Inverness Avenue

Site photos



The site from Fairfax Drive showing the new boundary walls, porch and hardstanding



The site prior to the unauthorised development in 2016. View from Fairfax Drive.



The unauthorised
boundary wall view from
Fairfax Drive



Unauthorised boundary wall
along Fairfax Drive



The boundary wall and porch along Inverness Avenue



View from Fairfax Drive of the hardstanding area, porch and boundary wall along Inverness Avenue



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Boundary walls and porch
from Inverness Avenue



Boundary wall from Inverness Avenue



Surrounding streetscene along Fairfax Drive, opposite the site.