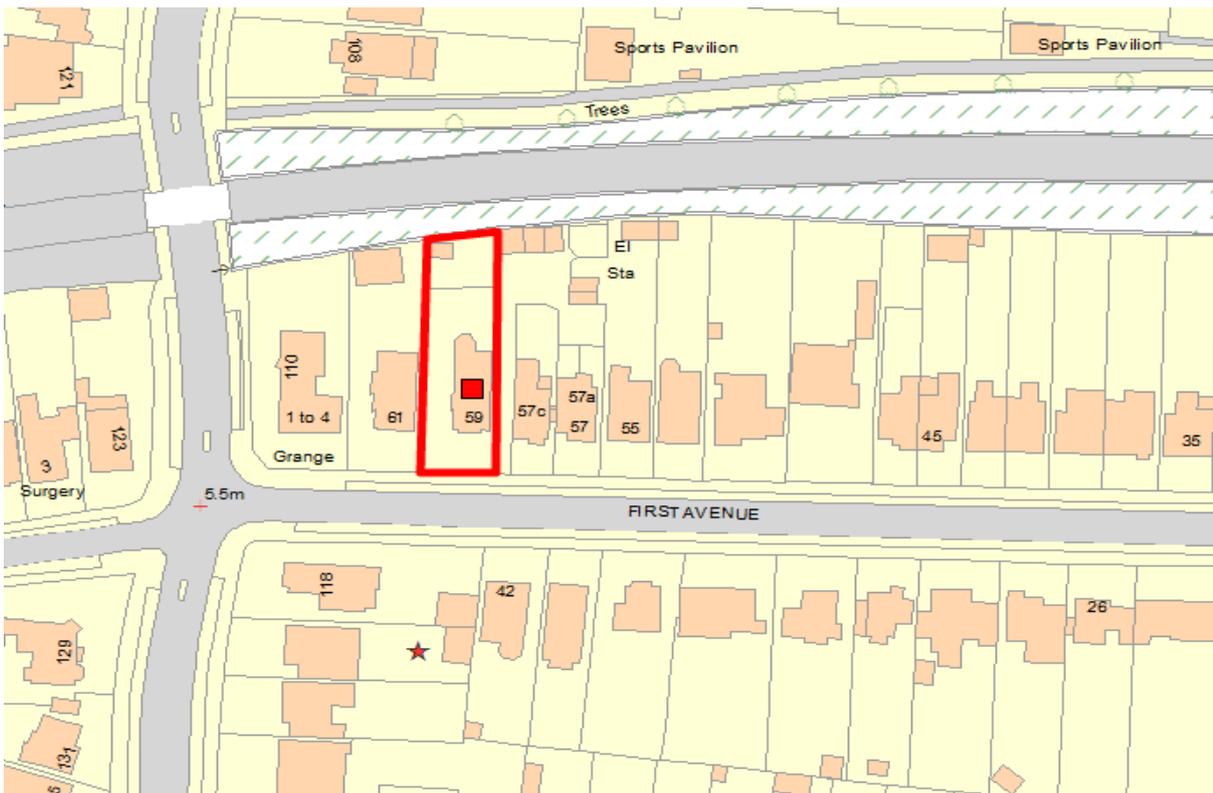


<b>Reference:</b>	21/00674/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Demolish existing garage and erect two storey building with garages on ground floor and storage on first floor	
<b>Address:</b>	59 First Avenue, Westcliff-On-Sea, Essex	
<b>Applicant:</b>	T E Perkins	
<b>Agent:</b>	metson architects ltd	
<b>Consultation Expiry:</b>	27th May 2021	
<b>Expiry Date:</b>	7th June 2021	
<b>Case Officer:</b>	Robert Lilburn	
<b>Plan Nos:</b>	<b>2100 TP-01, X-10</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## 1 Site and Surroundings

- 1.1 The application site comprises the grounds of an apartment building, together with a former rear detached garage, situated within a residential area. The host building appears to be a converted former dwelling and contains four flats. The submitted plan shows that of the three former garages on the site, two have been partly demolished.
- 1.2 The prevailing urban grain is of main buildings facing First Avenue, with outbuildings at the rear. The rear of the site is situated alongside the railway line.
- 1.3 A shared service road provides access to the rear of the site, as well as to the rear of other properties along First Avenue, and to the lock-up garages found behind no.57 First Avenue.
- 1.4 First Avenue is subject to seasonal parking restrictions. It is not specifically identified on the policies map of the Development Management Document (2015). It is located within Flood Zone 1.

## 2 The Proposal

- 2.1 Planning permission is sought to erect a gable-roofed two-storey building at the rear, within a discrete garage and parking area, to be used as three garages with storage at first floor. The existing single storey garage would be demolished.
- 2.2 Materials to be used in the external elevations are described as slates to the roof, hardwood windows and doors and the external walls would be finished in yellow (buff) and red brick, and wooden posts.
- 2.3 The outbuilding would measure some 9.8m wide, 7.2m deep and 4.5m high to the eaves, with an apex height of some 5.7m.
- 2.4 The site would be accessed as existing via the shared route from First Avenue and includes access to and from no.59 First Avenue.
- 2.5 The application is supported by a design and access statement. The proposal is similar to the development approved in application 15/01485/FUL. The time limit for implementation of the approved development has expired, and therefore the earlier approval carries limited weight in the assessment of the application.

## 3 Relevant Planning History

- 3.1 19/01959/FUL: Demolish existing garage and erect two storey building with undercroft car parking on ground floor and one self-contained flat on ground and first floor (Amended Proposal). Refused for the following reason: *The proposed development, by reason of its siting, size and design, would be an incongruent form of backland development with an intrusive impact materially out of keeping with the urban grain, harmful to the character and appearance the site and wider area. This is unacceptable and contrary the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).*
- 3.2 19/00456/FUL: Demolish existing garage, erect two storey building to rear with garages

at ground floor and one self-contained flat to first floor. Refused.

- 3.3 15/01485/FUL - Demolish existing garage, erect two storey building to rear with garages at ground floor and storage to first floor. Approved.

## 4 Representation Summary

### 4.1 Public Consultation

9 neighbouring properties were notified and a site notice was posted. Two letters of representation have been received, and these are summarised as follows:

- Concern about publicity and consultation process relating to the application;
- Impacts on car parking and access arrangements;
- Impact on neighbour privacy;
- Impact on outlook;
- Impacts of noise, light and activity, and amenity impacts in general to neighbours and the surrounding area;
- Congestion of the parking area;
- Concern regarding the suitability for housing vehicles
- Effect of building works on neighbour amenities;
- Wear and tear on the access route;
- Ownership and access consents;
- Effect on property values.

- 4.2 These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

### 4.3 Parks

Trees bordering the proposed development site that may be impacted, and may require protection measures.

### 4.4 Fire Service

The arrangements should be in accordance with the details contained in the Approved Document to Building Regulation B5.

The fire access path appears to not meet the standards recommended in the Approved Document.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

**[Officer comment:** this matter is governed by a separate regulatory framework and the concerns raised would not justify a refusal of planning permission].

### 4.5 Network Rail

No objections subject to informatives

### 4.6 Highways

No objections.

- 4.7 The application was called in to Committee by Cllr Folkard

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance and National Design Guide (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land) DM15 (Sustainable Transport Management)
- 5.5 Design & Townscape Guide (2009)
- 5.6 CIL Charging Schedule (2015)

## **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, impact on residential amenity, any traffic and parking implications and CIL.
- 6.2 Since the application 15/01485/FUL was determined the revised National Planning Policy Framework (2019) came into force, replacing a previous version of the NPPF. It is considered that the contents of the revised NPPF do not materially alter the assessment of the impacts of the proposal.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Policies KP1 and KP2 of the Core Strategy seek to promote sustainable development. Policies DM1 and DM3 of the Development Management Document seek to promote successful places through high standards of design.
- 7.2 Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 7.3 The site is situated within a residential built-up area and associated with the adjacent flats at no.59. It is established in ancillary parking and garaging purposes. In the interests of neighbour amenities, a condition can be attached to any planning permission to ensure that the use remains incidental to the flats at no.59 First Avenue.
- 7.4 The proposal would utilise and renew the built fabric. The applicant has not specified the precise nature of the storage use; however the spaces proposed are of a domestic scale and the proposal is not creating a new planning unit.
- 7.5 The use of the site for parking and storage is acceptable in principle.

### **Design and Impact on the Character of the Area**

- 7.6 Paragraph 124 of the NPPF states that “*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”.
- 7.7 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies support new buildings subject to maintaining the character and quality of the townscape.
- 7.8 The proposed building would be larger in scale than the adjacent outbuildings and garages. It would be larger than a typical domestic outbuilding, and this is a negative aspect of the proposal in this setting. In light of the earlier grant of planning permission it would not in isolation justify a refusal of planning permission in instance.
- 7.9 However it would not be a dominant form of development, out of keeping with the character of the area. It would not materially affect the street scene. Its larger scale would not be sufficiently harmful to justify a refusal of planning permission in this instance.

7.10 Its design and proposed materials would reasonably complement the design characteristics of its surroundings. It would replace the existing garage which is of poor appearance.

7.11 The proposal would likely require the loss of numerous trees and shrubs at the perimeter of the site. These appear to be self-seeded, and are not of high amenity value. The impact of the development in this regard would not be sufficiently harmful to justify refusal of planning permission. Given the proposed use for car parking and the site constraints it would not be appropriate to require replacement planting in this instance.

7.12 On balance it considered that the building would be acceptable and policy compliant from a design and character viewpoint.

### **Impact on Residential Amenity**

7.13 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.

7.14 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that “*protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight*”.

7.15 The Design and Townscape Guide also states that “*the Borough Council is committed to good design and will seek to create attractive, high-quality living environments*”.

7.16 The proposed building would be situated some 11m to the north of the rear of the associated apartments at no.59 First Avenue. It would otherwise be situated within the

context of the residential outbuilding to the west at the rear of no.61 First Avenue, and the railway line embankment.

- 7.17 The siting and scale of the proposed building relative to the neighbouring flats and dwellings, including the adjacent domestic outbuilding, would be such that it would not have a harmful impact on occupiers with regards to daylight and sunlight, overshadowing, outlook, or an increased sense of enclosure.
- 7.18 The scale and character of the proposed use, in the existing context of the parking and garaging area, and incidental to no.59, would be such that the associated comings and goings and activity associated with the building, would not have a significantly harmful impact on surrounding occupiers. The character and design of the proposed use would not lead to material loss of privacy to surrounding occupiers. The intensity of the use of the site for parking would not be materially greater than the existing situation.
- 7.19 As noise and disturbance from construction works are temporary, given the scale of the proposal these impacts would not be significantly harmful.
- 7.20 The site context has not materially changed since the determination of the earlier application 15/01485/FUL in which the impacts were found acceptable. Notwithstanding this the proposal is found acceptable and policy compliant with regard to its impacts on neighbour amenities.

### **Traffic and Transportation Issues**

- 7.21 Policies CP3 and DM15 seeks to maintain highway safety and accessibility. Policy DM15 of the Development Management Document states: "*Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner*".
- 7.22 The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. In relation to the flats at the site, deducted parking standards require that at least one off-street parking space is required per flat.
- 7.23 Three parking spaces are currently available on-site; two of these are open-air spaces on hardstanding and one is a garage measuring some 2.7m wide by 4.9m deep. The proposed building would provide three garages of some 2.5m wide by 5m deep. The dimensions of the proposed garages are below the requirement set out in Policy DM15, which requires 3m wide and 7m deep.
- 7.24 The off-street parking provision would not meet the adopted requirements for garage sizes but would not result in a reduction in overall parking numbers. This approach was taken in consideration of application 15/01485/FUL Therefore this matter would not reasonably justify a refusal of planning permission and, no objection is raised in relation to the provision of off-street parking.

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

- 7.25 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 111.5sqm, which may equate to a CIL charge of approximately £8568 (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 proposal would be acceptable in principle and would, on balance, have an acceptable impact on the character and appearance of the application site and the locality more widely, and on the amenities of neighbouring occupiers. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

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

- 01. The development hereby permitted shall begin not 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 permitted shall be carried out in accordance with the following approved plans: 2100 TP-01, X-10.**

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

- 03. The outbuilding hereby permitted shall only be used for vehicular parking and storage purposes ancillary to the residential units at no.59 First Avenue. It shall not be used for any other purposes and shall not be sold or let separately or used for residential accommodation.**

**Reason: In the interests of neighbour amenities and the character and quality of the area, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 04. Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.**

**Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework, 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).**

- 05. No development above ground floor slab level shall take place unless and until full details of external materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

**Reason: In the interests of visual amenity pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

**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.**

**10 Informatives:**

- 1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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 borough.**

- 3. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.**
- 4. It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called “the Authority”) in accordance with “Building Regulations and Fire Safety - Procedural Guidance”. Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).**
- 5. Plant & Materials - All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail’s property, must at all times be carried out in a “fail safe” manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail**
- 6. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant’s contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.**
- 7. Future Maintenance - The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail’s adjacent land and air space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail’s boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilize Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail’s maintenance teams’ ability to maintain our boundary fencing and boundary treatments. Access to Network Rail’s land may not always be granted and if**

**granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.**