

<b>Reference:</b>	21/01693/OUT	
<b>Application Type:</b>	Outline Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Erect five 2.5 storey dwellinghouses, layout parking to front and extend existing vehicular crossover onto Crowstone Road (Outline)	
<b>Address:</b>	6 Crosby Road and 121 - 123 Crowstone Road, Westcliff-on-Sea Essex	
<b>Applicant:</b>	c/o SKArchitects	
<b>Agent:</b>	Steven Kearney of SKArchitects	
<b>Consultation Expiry:</b>	16.09.2021	
<b>Expiry Date:</b>	05.11.2021	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan Nos:</b>	<b>617P203 Revision A; 617P204; 617P202; 617P201 Design and Access Statement ref. 617-11-19 dated 2021</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION, subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 This roughly 'L' shaped corner site fronts Crosby Road and Crowstone Road. The site previously contained school buildings and includes No.6 Crosby Road, a single family dwellinghouse.
- 1.2 The area is largely residential in nature and is mainly characterised by large, detached houses, although there are some examples of flats within the vicinity of the site. The scale of the surrounding development is mainly 2 to 2.5 storeys in nature, although anomalous blocks of flats in the vicinity are up to 4 storeys in scale.
- 1.3 The application site has no specific allocation within the Development Management Document proposals map.

## **2 The Proposal**

- 2.1 Outline planning permission is sought to construct 5 dwellings on the site, comprising of 2x pairs of semi-detached dwellings and 1x detached dwelling. The dwellings proposed are 2.5 storeys in height. The proposal includes the laying out of parking to the front as well as extensions to existing vehicular crossovers on Crowstone Road. This outline application seeks to agree details of the development relating to access, appearance, layout and scale with only landscaping reserved for later consideration.
- 2.2 The dwellings proposed comprise:
  - A pair of semi-detached dwellings fronting Crosby Road (units A1 and A2). The dwellings are linked by ground floor porches, hallways and W.Cs including part of the lounge area of each dwelling (measuring 3.6m high, 8m deep and 2.4m to 2.9m wide). The dwellings are 2.5 storeys with front gables and feature chimneys and comprise 4-bed, 8 person units. Each dwelling has 2 parking spaces to the front of the site, accessed from Crosby Road with private rear amenity spaces of 44.3sqm (western most dwelling) and 57sqm (eastern dwelling of the pair). The pair have a combined width of 15.5m (excluding the chimneys), ridge heights of 10.3m and maximum depths, including the single storey rear projections proposed of 13.7m (eastern dwelling) to 14.7m (western dwelling).
  - The corner plot constitutes a detached dwelling fronting Crowstone Road (Unit B). The dwelling is 2.5 storeys with a front gable facing Crowstone Road, it has a return frontage to Crosby Road with features including the entrance door with canopy and a triangle dormer fronting Crosby Road. The dwelling comprises a 4-bedroom, 8 person unit. This unit has 2 tandem parking spaces accessed from Crosby Road and a private rear amenity space of some 23sqm. The dwelling measures some 6.5m in width (excluding the chimney and canopy), 15.3m in depth (including the single storey rear projection proposed) and has a height to the ridge of some 10.3m.
  - A pair of semi-detached dwellings fronting Crowstone Road (Units C1 and C2). The dwellings are 2.5 storey in scale with front gables, front canopies and feature chimneys. The dwellings comprise 3 bedroom, 6 person units. Each of the dwellings also include a small (some 5.2sqm) first floor study which is too small to constitute a bedroom. Each dwelling is proposed to have 2 parking spaces at the front of the site, accessed via extended vehicular crossovers from Crowstone Road. Each dwelling has a private rear garden area; dwelling C1 measures some 18.6sqm (the northern dwelling in the pair) and 32.1sqm (southern dwelling in the

pair). The pair has a combined width of some 11.4m (excluding the chimneys), a depth of some 14.5m (including the single storey rear projections) and a maximum ridge height of some 10m.

2.3 Materials proposed include clay roof tiles, powder coated aluminium fenestration, clay hanging tiles and render.

2.4 Planning permission was granted for a similar proposal under reference 20/01612/OUT. The main changes from the previously approved application reference 20/01612/OUT, include that all of the properties are now proposed to have single storey rear projections which result in reduced amenity areas; and between plots A1 and A2 the connecting single storey elements have increased in size and the roof design has been altered. Otherwise, the parking, height and quantum of development remains the same. For clarity, the single storey rear projection measurements and garden areas proposed are as follows:

- Dwelling A1 – rear projection: 2m deep, 5.9m wide and 3.8m high with a crown roof design and amenity space reduced from 60.5sqm to 44.3 sqm;
- Dwelling A2 – rear projection: 3m deep, 5.9m wide and 3.8m high with a crown roof design and amenity space reduced from 86sqm to 57 sqm;
- Dwelling B – rear projection: 3.8m high, 5.9m wide, 3.4m deep with a crown roof design and the 45sqm amenity space is proposed to be reduced to 23 sqm;
- Dwelling C1 – rear projection: 5.4m wide, 2.9m deep and 3.5m high and the amenity space is proposed to be reduced from 32 sqm to 18.6 sqm;
- Dwelling C2 – rear projection is 5.4m wide, 2.9m deep and 3.5m high with a crown roof design and the amenity space is reduced from 51.9 sqm to 32.1 sqm.
- The connecting extension in between dwellings A1 and A3 has increased in depth from 5m to 8m. The height at 3.6m high and width at 2.4m remains the same to provide an extension to the lounge, shower room and main entrance to the dwellings and the roof design has altered from pitched roof to a part flat and pitched roof.

### **3 Relevant Planning History**

3.1 20/01612/OUT- Erect five 2.5 storey dwellinghouses, layout parking to front and extend existing vehicular crossover onto Crowstone Road (Outline)- Granted.

3.2 20/01080/OUTM - Demolish existing buildings, including No.6 Crosby Road, erect 2no 2.5 storey buildings comprising of 18 self-contained flats, layout parking, hard and soft landscaping and alter existing vehicular access on to Crosby Road (Outline) - application refused. Appeal in progress.

3.3 20/00546/OUT - Demolish existing buildings, erect 4 three storey buildings comprising of 8 dwellinghouses, layout parking, hard and soft landscaping and alter existing vehicular access on to Crosby Road (Outline) – planning permission refused and appeal dismissed.

3.4 19/00534/FULM - Demolish existing buildings, erect part 2.5 storey/part 3.5 storey building comprising of 18 self-contained flats, layout parking including underground parking, hard and soft landscaping and alter existing vehicular access on to Crosby Road (Amended Proposal) – planning permission refused.

- 3.5 18/00899/FULM - Demolish existing buildings including 6 Crosby Road, erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road (Amended Proposal) – planning permission refused.
- 3.6 17/02179/FULM - Demolish existing buildings including 6 Crosby Road, erect three storey building comprising 20 self-contained flats, 6no two storey dwelling houses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road – planning permission refused 3<sup>rd</sup> April 2018.
- 3.7 17/00938/DEM – Demolish former prep school and associated buildings (application for prior approval for demolition) – prior approval required and prior approval granted.

## **4 Representation Summary**

### **4.1 Public Consultation**

33 neighbouring properties were consulted and a site notice was displayed. 9 letters of objection have been received which make the following summarised comments:

- Generally, 5 houses proposed are preferable than flats, but still concerns and is a worse proposal than the previously approved scheme.
- Design concerns. Out of keeping with character of surrounding area. Concerns relating to the footprint of the dwellings, 3 storey scale, height, building lines, prominent forward position, roof design, mass, bulk, form and detailed design.
- Front and rear gardens too small and not consistent with grain of the area.
- Developer not acknowledged the garages owned by an occupier in Crowstone Road as not shown on the plans.
- Concerns relating to access road in design terms and in enabling access to a site to the rear which is protected green space.
- Concerns that No.6 Crosby Road will be demolished.
- Concerns that front of No.6 will be used for parking for the new dwellings proposed.
- Residential amenity concerns.
- Overlooking, loss of privacy and overshadowing and loss of light and sunshine.
- Noise from vehicular access road.
- Not enough parking.
- Lack of garden space for new dwellings.
- Increase flooding issues in area.
- Sewage concerns
- Legal rights for access to garages at rear.
- Inaccuracies in submission and concerns relating to plans submitted.
- Contrary to planning policy.
- Contrary to covenants.

*Officer Clarification:* For clarity, the proposal does not seek to provide parking to the front of No.6 Crosby Road to serve the new dwellings proposed. The proposal also does not seek to demolish No.6 Crosby Road.

*Officer Comment:* These concerns are noted, and they have been taken into account in the assessment of the application at Section 7. It is considered that the scheme satisfactorily deals with the issues raised and therefore they are not found to represent

a reasonable basis to refuse planning permission in the circumstances of this case.

### **Environmental Health**

- 4.2 No objection. Conditions requested relating to construction hours and a waste management plan.

*Officer comment: Given the scale and nature of the development, a condition requiring a waste management plan is not considered necessary or reasonable in this instance.*

### **Sport England**

- 4.3 The proposed development does not fall within either our statutory, or non-statutory remit, therefore Sport England has not provided a detailed response in this case.

### **Fire Authority**

- 4.4 Access for Fire Services purposes appears to be acceptable subject to satisfactory compliance with Building Regulations. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulations Stage.

The applicant is reminded that additional water supplies for fire-fighting may be necessary for this development.

### **Highways Team**

- 4.5 There are no highway objections to this proposal.

It is not considered that the proposal will have a detrimental impact on the public highway.

### **Committee Call In**

- 4.6 This application was referred to the Development Control Committee by Cllr Folkard.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 National Technical Housing Standards (2015)
- 5.3 National Design Guide (2021)
- 5.4 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 5.5 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)
- 5.6 Design & Townscape Guide (2009)

- 5.7 Vehicle Crossover Policy (2021)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Essex Coast Recreational Disturbance Avoidance mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application include the principle of the development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, RAMS and CIL (Community Infrastructure Levy). The planning history is a material consideration of significant weight in the determination of this application.

## **7 Appraisal**

### **Principle of Development**

- 7.1 *Loss of a School and the principle of residential development:*
- 7.2 The site is located within a residential area and largely constitutes previously developed land. Amongst other policies to support sustainable development, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.3 Policy KP1 of the Core Strategy identifies a need to deliver 6,500 net additional dwellings in the period 2001-2021 within Southend. Policy KP2 of the Core Strategy requires all new development to *make the best use of previously developed land; to ensure sites and buildings are put to best use*. Policy CP8 of the Core Strategy requires the *'provision of not less than 80% of residential development on previously development land (brownfield sites)*.
- 7.4 Policy CP6 of the Core Strategy states that developments should support *'improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies...[and] safeguarding existing and providing for new leisure, cultural, recreation and community facilities...'*
- 7.5 Unlike some of the previous applications submitted to redevelop this site, limited information has been submitted with this application to justify the loss of the school. However, in this respect the constraints of the site are noted; it is a small site for a school and surrounded by residential development. The school was closed some time ago and was a private, preparatory school and as such served only a very limited part of the community. It is also noted that prior approval was granted for the demolition of the school buildings and that the school buildings have been lawfully demolished. No objection is therefore raised to the principle of the loss of the school use and its redevelopment for housing. It is also noted that no objection was previously raised to the principle of the loss of the school site and its redevelopment for residential purposes under the previous applications; references 17/02179/FULM, 18/00899/FULM, 19/00534/FULM, 20/00546/OUT or 20/01612/OUT.

- 7.6 There is an identified need within the Borough for family-sized dwellings. This proposal would provide 3x 4-bedroom, 8 person dwellings and 2x 3-bedroom, 6 person units which is positive and is factored into the planning balance although the weight to be afforded is limited by the modest number of new dwellings involved.
- 7.7 The principle of the development is acceptable and policy compliant.

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

- 7.8 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.9 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.
- 7.10 The surrounding area is mainly characterised by fairly-large, detached houses, set within generous plots with deep frontages, generally of individual styles but with similar characters, that are characteristically 2 to 2.5 storeys in scale, the majority of which have hipped roofs, providing a spacious character to the area. There are two buildings in the area which stand out from this established character; Sunningdale Court which is a 4 storey block of flats to the north of the site and Britannia Lodge to the south-east of the site, which is a three storey block of flats. The land levels slope in two directions; north to south and more gently east to west. The existing properties have stepped floor levels which is part of the character of the area. Building lines are consistent. Overall, the area has an attractive and cohesive character.
- 7.11 In terms of siting, the building lines in the area are strong and consistent. The existing building line in Crowstone Road is staggered. The dwellings fronting Crowstone Road are similarly proposed to have a staggered building line. This siting is considered acceptable and would not be out of keeping with the area. The pair of dwellings fronting Crosby Road and the detached dwelling on the corner of the two roads would project slightly beyond the front building line of Crosby Road. However, given the building line of the previous school buildings on the site since demolished, and with the overall size and design of the dwellings proposed including the additional single storey rear projections to the dwellings hereby proposed, it is considered on balance, that the siting of the dwellings would not result in an unacceptable impact on the character and appearance of the streetscene and would not result in the dwellings appearing overly prominent or out of keeping.
- 7.12 The private rear gardens serving the dwellings are smaller than those in the surrounding area. As set out above the main differences in amenity space are as follows:
- Dwelling A1 - amenity space reduced from 60.5sqm to 44.3sqm;
  - Dwelling A2 –amenity space reduced from 86sqm to 57sqm;
  - Dwelling B – amenity space reduced to 46.2sqm to 23sqm;
  - Dwelling C1 –amenity space is reduced from 32sqm to 18.6sqm;

- Dwelling C2 –amenity space reduced from 51.9sqm to 32.1sqm.

- 7.13 Previously under application 20/01612/OUT the gardens were noted to be smaller than those in the surrounding area and this was found acceptable.. Whilst the gardens are now proposed to be reduced in size due to the single storey rear extensions, it is considered that this aspect of the proposed development would not materially detract from the existing grain of the area. The development is therefore acceptable in this respect.
- 7.14 The 2.5 storey scale of the dwellings proposed and the overall heights of the proposed dwellings, are considered to be in keeping with the scale and heights of the surrounding dwellings and remain the same as the previously approved application 20/01612/OUT albeit with the changes at single storey level now proposed. The proposed detached and semi-detached dwellings break up the development and are akin to the other developments in the area in terms of form and scale. The development is acceptable in this respect.
- 7.15 The design detailing proposed is also acceptable. The design includes features that are common within the surrounding area, including gables and feature chimneys. Whilst the pair of semi-detached dwellings fronting Crowstone Road retain an element of a crown roof, this is relatively small, and given its position would not be overly prominent or incongruous in the area. The corner plot has been designed to ‘turn the corner’ with architectural features and interest on both streetscene elevations which is positive. The fenestration design is acceptable and well proportioned. The materials proposed which include render, tile hangings and clay roof tiles are considered to be appropriate in principle and a condition can be imposed on any grant of consent requiring full details of the materials.
- 7.16 Landscaping is a reserved matter for later consideration. However, it is apparent that the scheme would retain areas of frontage for soft landscaping. The frontages of the dwellings would not be overly dominated by parked cars or hardsurfacing. It is also proposed to reuse the existing crossovers (and extend those on Crowstone Road) which would not result in the loss of street trees or the planted verge, which are characteristics of the area, which is positive. Subject to a condition requiring hard and soft landscaping details, the development is acceptable in this respect.
- 7.17 Subject to conditions, this amended proposal, including the single storey rear extensions to each dwelling and changes to the connecting single storey additions between dwellings A1 and A2 are considered acceptable and policy compliant in the above regards.

### **Living Conditions**

- 7.18 The National Technical Housing Standards (2015) state:
- Minimum property size for residential units shall be as follow:
    - 4 bedroom, 8 person units over 3 storey: 130sqm.
    - 3 bedroom, 6 person units over 3 storey: 108sqm.
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> for a



double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floorspace with a head height of less than 1.5 metres 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.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

7.19 All of the dwellings proposed exceed the minimum size requirements of the technical space standards and all of the bedrooms exceed the minimum size requirements.

7.20 All habitable rooms will be provided with windows to provide sufficient light, outlook and ventilation. There would be a degree of overlooking and interlooking between the proposed houses on the site, however this can be largely overcome with the imposition of conditions requiring side windows to be obscure glazed and is not considered to result in material harm and is considered to be within acceptable limits in this instance, as discussed below.

7.21 The amenity areas proposed range from some 18.6sqm to 32.1sqm for the 3-bedroom, 6 person units and between some 23sqm and 57sqm for the 4-bedroom, 8 person units. On balance, whilst the proposed single storey rear projections to the dwellings would reduce the amenity spaces serving the dwellings compared to those previously granted under reference 20/01612/OUT, it is noted that LPA does not have prescribed minimum size requirements for amenity spaces. As such, on balance, taking into account that the dwellings otherwise exceed the space standards, given that the smaller size amenity

spaces proposed are of a usable shape, and noting that different people have different requirements for outside spaces no objection is raised on this basis in the specific circumstances of this case.

- 7.22 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application.
- 7.23 The applicant's agent has confirmed that all of the dwellings are designed to be Building Regulations M4(2) compliant. Subject to a condition in this respect, the development is acceptable and policy compliant in this regard.
- 7.24 Unlike some of the previous applications, this application has not been submitted with a noise impact assessment. Given the site's location, close to the railway line, this is necessary to ensure any future residents are provided with acceptable living conditions. Subject to such a condition no objection is raised on this basis.
- 7.25 No contaminated land assessment has been submitted with this application; however, a condition can be imposed in this respect.
- 7.26 Subject to conditions, and on balance, the development is considered to provide acceptable living conditions for future occupiers and the development is acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.27 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.
- 7.28 In relation to overlooking and loss of privacy, there has been no change to the siting of the dwellinghouses and the locations of the first floor windows remain as per the previously approved 21/01612/OUT. As necessary, flank windows are to be obscure glazed to protect the amenities of existing and future occupiers. Given this amended proposal relates to new single storey projections and noting their position it is not considered the proposal would have any greater impact than the extant permission in this regard.
- 7.29 Subject to conditions relating to flank windows, it is considered, that the development would not result in any significant harm in terms of overlooking, loss of privacy or interlooking within the site.
- 7.30 In terms of dominance, the nearest dwelling proposed (unit A1) would be located some 4.7m from the boundary with No.6 Crosby Road and would be located some 6.2m from the flank wall of No.6 Crosby Road, which was previously found acceptable under permission 20/01612/OUT. Given of the degree of separation and the design of unit A1

which has a roof that slopes away from No.6 including the new single storey rear projections proposed, it is considered that the development would not result in any significant harm to the nearest dwellings to the west in Crosby Road in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material sense of enclosure.

- 7.31 The nearest proposed dwelling (plot C2) would be some 3m from the flank wall of No.125 Crowstone Road and would extend some 3.5m beyond the front wall of No.125 and some 0.5m beyond the rear wall of No.125 Crowstone Road. Taking into account the separation distance from the flank elevation and orientation of the dwelling to the north of 125 Crowstone Road it is not considered the proposal would result in any significant harm to the residential amenity of No.125 Crowstone Road, or other dwellings to the south in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material sense of enclosure.
- 7.32 All other existing dwellings are considered too remote to be materially affected by the proposal in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material sense of enclosure or overlooking and loss of privacy.
- 7.33 Whilst the relationship between the proposed dwellings and the existing neighbouring dwellings is considered acceptable, given the nature of the proposal and the location of the neighbours, it is necessary in this instance to restrict the permitted development rights at the dwellings in respects of extensions (class A), developments within the roof (class B), outbuildings (class E) and, in the interests of the character of the area, hardsurfacing (class F). Subject to such a condition no development is raised in this respect.
- 7.34 In terms of noise and disturbance, the site is located within a residential area and the proposal to develop the site for residential purposes would not result in any material harm to the adjoining residents in this respect. A condition requiring a construction method statement is required in this instance, given the nature and location of the development in the interests of residential amenity.
- 7.35 The development is therefore considered acceptable and policy compliant in the above regards. This amended proposal is, on balance, considered acceptable on amenity grounds and would not result in any significant harm to residential amenity or an impact materially greater than that previously permitted under reference 20/01612/OUT.

### **Traffic and Transportation Issues**

- 7.36 Policy DM15 of the Development Management Document seeks a minimum of 2 car parking space per 2+ bedroom dwelling.
- 7.37 The proposal provides 2 parking spaces per unit in accordance with Policy DM15. The parking spaces will all be accessed via existing crossovers with the 2 crossovers in Crowstone Road extended in width. The highways team have raised no objection to the proposal, commenting that the parking proposed is acceptable and concluding that the development would not have a detrimental impact on the public highway network. This is the same arrangement as previously approved.
- 7.38 The development is therefore considered acceptable and policy compliant in the above regards.

- 7.39 It is also considered this amended proposal will provide sufficient space within the site to provide covered and secure cycle parking and refuse and recycling stores and would therefore comply with planning policy details of which can be secured via conditions.

### **Trees and Landscaping**

- 7.40 There are no trees subject to Tree Preservation Orders (TPOs) on the site. The application has not been submitted with an Arboricultural Impact Assessment. Landscaping is a reserved matter for later consideration. A condition can be imposed on any grant of consent requiring full details of the landscaping proposed. It is considered that there is sufficient space on the frontage of each dwelling to provide some soft landscaping which is positive. Part of the distinctive and attractive character of this part of Crosby Road and Crowstone Road is its street trees and planted verges, which this development would not adversely impact with no alterations proposed to the vehicle crossovers and therefore the existing planted verges in Crosby Road. A condition can be imposed on any grant of consent requiring details of tree protection for the street trees.

- 7.41 Subject to such a condition, the development is acceptable and policy compliant in the above regards.

### **Sustainability**

- 7.42 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

- 7.43 Whilst no details have been submitted in this respect, this requirement could be controlled via condition should the application be otherwise found acceptable.

- 7.44 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 in this respect no objection is raised on this basis.

### **Drainage**

- 7.45 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, including any undue discharge of surface water on the highway. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition should the proposal otherwise be acceptable. Subject to such a condition, the development is acceptable and policy compliant in these regards.

### **Ecology**

- 7.46 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...'*
- 7.47 Previously under application 20/01612/OUT concerns relating to biodiversity and impact on badgers had been raised. However, given the nature of the existing site, the fact that no concerns have been raised in this respect to previous applications on the site (see section 3 above) with no changes in circumstances or policy in this period, the development is considered acceptable and policy compliant in this respect. It is also noted that the grant of planning permission would not override the developer's duties under other legislation, including the Wildlife and Countryside Act 1981.

## **RAMS**

- 7.48 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 was adopted by Full Council on 29<sup>th</sup> October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. A tariff of £636.50 is therefore required in this case. This tariff has been paid.

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

- 7.49 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. As this is an outline application, the CIL amount payable will be calculated on submission of a reserved matters application when the floorspace figures will be confirmed.

## **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 is acceptable in principle, would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely and, on balance, would provide acceptable living conditions for future occupiers. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The provision of new dwellings factors in the planning balance although this is afforded

limited weight due to the modest number involved. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

### **9.1 MEMBERS ARE RECOMMENDED TO: GRANT PLANNING PERMISSION subject to the following conditions:**

**01 Details of the 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 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 only in accordance with the following approved plans: 617P203 Revision A; 617P204; 617P202; 617P201.**

**Reason: To ensure that 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 construction works other than demolition and construction up to ground floor slab level shall take place until full product details of the materials to be used on all the external elevations, including walls, roof, windows and doors and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall only be carried out and completed in accordance with the approved details before it is brought into use.**

**Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009)**

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to: -**

- i) Proposed finished site levels or contours;**
- ii) Means of enclosure, of the site including any gates or boundary fencing;**

- iii) Hard surfacing materials;
- 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.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

- 05 All flank windows above ground floor (with the exception of the flank windows on the northern elevation of the detached dwelling proposed (plot B)) shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or equivalent) and be permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room that the window serves. 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. The windows shall be retained in line with these details in perpetuity.

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).

- 06 The use of the new dwellings hereby approved shall not commence unless and until the two parking spaces per dwelling (10 in total) as shown on the approved plan 617P201 have been provided and made available for use on site. The parking spaces shall be retained in perpetuity for the purposes of car parking solely for residents of the approved new dwellings on site and their visitors.

Reason: To ensure the provision of adequate parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 07 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To ensure the approved development does not increase flood risk

elsewhere in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and KP3.

- 08 Construction works for the approved development on site shall only be undertaken between 8am to 6pm 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).

- 09 Prior to occupation 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 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), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 10 The new dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

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) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 11 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that all new residential units comply with building regulation M4(2) “accessible and adoptable dwellings” prior to their first occupation.

Reason: To ensure the development hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).



- 12** Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage facilities. The approved refuse and recycling and cycle parking facilities shall be provided in full and made available for use prior to the first occupation of the dwellings hereby approved and shall be retained as such in perpetuity.

**Reason:** To ensure the provision of adequate cycle parking and refuse stores in accordance with Policies DM3, DM8 and DM15 of Development Management Document.

- 13** **A. Site Characterisation** No development other than site preparation works shall take place until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

**B. Submission of Remediation Scheme** No development other than site preparations works shall take place until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**C. Implementation of Approved Remediation Scheme** The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

**D. Reporting of Unexpected Contamination**

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 and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of

measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

**E. Long Term Monitoring and Maintenance E1) No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority.**

**E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.**

**Reason: 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 Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).**

- 14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall be undertaken unless and until a noise assessment that includes an assessment of railway noise and full details of any necessary acoustic mitigation to be provided within the development, including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be completed in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.**

**Reason: To safeguard the residential amenity of the future occupiers from noise generated by the nearby railway in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).**

- 15 No development shall be undertaken unless and until full details of the tree protection measures to be provided to any off-site trees that are adjacent to the site or which could be affected by their proximity to the proposed development have been submitted to and approved in writing by the local planning authority. The development shall only be undertaken in accordance with the approved tree protection measures.**

**Reason: This pre-commencement condition is required in the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy 92007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).**

- 16 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement 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 including measures to ensure the retention of trees to the rear of the site**
- v) measures to control the emission of noise, dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**

**Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 17 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 development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, 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) Policy DM1 and the Southend Design and Townscape Guide (2009).**

**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:**

- 01 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, 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 Councils website ([www.southend.gov.uk/CIL](http://www.southend.gov.uk/CIL))

- 02** 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.
- 03** The applicant is advised that they will be required to apply to highways to amend and install the vehicle crossovers and that they may also be required to relocate any street furniture such as lamp columns.