

<b>Reference:</b>	21/02089/AMDT	
<b>Application Type:</b>	Minor Material Amendment	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Application to vary condition 02 (Approved Plans) replace plan numbers 001 Ground Floor and site Plan, 002 First Floor Plan, 003 Second Floor Plan, 004 West Elevation, 005 South Elevation, 006 North Elevation, 007 East Elevation , 008 Roof Plan with plan numbers Location Plan, 002 (18.01.2022), 003 (18.01.2022), 004 (18.01.2022), 005 (18.01.2022), 006 (18.01.2022), 007 (18.02.2022), 008 (18.01.2022), 0011 (18.01.2022), 0012 (18.01.2022) - adjustment in the reduction footprint and adjustment of the internal plans and elevations necessitated by updated survey information (Minor Material Amendment of Planning Permission 20/02224/FUL dated 2.6.2021)	
<b>Address:</b>	Former 51 Chalkwell Avenue Westcliff-On-Sea Essex	
<b>Applicant:</b>	Herald Build Limited	
<b>Agent:</b>	iArch Consulting	
<b>Consultation Expiry:</b>	14 <sup>th</sup> December 2021	
<b>Expiry Date:</b>	10 <sup>th</sup> February 2022	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<p>Proposed Replacement Plans</p> <p><b>Location Plan, 002 (18.01.2022), 003 (18.01.2022), 004 (18.01.2022), 005 (18.01.2022), 006 (18.01.2022), 007 (18.02.2022), 008 (18.01.2022), 0011 (18.01.2022), 0012 (18.01.2022)</b></p> <p>Supporting Documents</p> <p><b>Section Detail</b></p> <p><b>Design and Access Statement</b></p> <p><b>Arboricultural Report Rev 03 by Andrew Day Arboricultural Consultancy Ltd dated 20.01.2022</b></p> <p><b>Tree Protection Plan Rev 03 by Andrew Day Arboricultural Consultancy Ltd dated 20.01.22</b></p> <p><b>Construction Method Plan Rev 2 dated 17.01.2022</b></p> <p><b>Landscape Proposal dated 18.01.2022</b></p>	

	<p>Plans to be replaced</p> <p><b>001 (11.05.21), 002 (11.05.21), 003 (11.05.21), 004 (11.05.01), 005 (11.05.21), 006 (11.05.21.21), 007 (11.05.21), 008 (11.05.21)</b></p>
<b>Recommendation:</b>	<b>Members are recommended to GRANT PLANNING PERMISSION</b>



## 1 Site and Surroundings

- 1.1 The application site is located at the junction of Chalkwell Avenue and Kings Road. It formerly contained a large, detached dwelling which was destroyed by fire and demolished some 3-4 years ago. The site is prominent in views from Chalkwell Avenue travelling south towards the seafront and along Kings Road from the east and west.
- 1.2 Chalkwell Avenue and the wider Chalkwell Hall Estate is one of the Borough's most desirable housing areas. It is characterised by mainly large detached early C20 good quality houses most of which are two storeys with generously proportioned pitched roofs and accommodation in the roofspace. The dwellings are highly articulated and well detailed with a range of features including bays and gables, feature entrances and dormers. They are mostly red brick and/or render with red/brown tiled roofs and tall windows. Decorative timbering and tile hanging are commonplace and add further articulation and interest to the streetscene contributing to local distinctiveness. The designs of the individual properties are varied but there is a cohesiveness in style, level of articulation and materials which gives the area a strong and recognisable character.
- 1.3 The dwellings are situated on a consistent but generous building line facing Chalkwell Avenue with planted frontages and large gardens to the rear. This has resulted in a uniform pattern of development. Kings Road to the northern frontage of the site is unusual in that it only has properties fronting onto the street on its northern side in the proximity of the site. The south side of the street is open with the buildings orientated east and west towards roads leading north and south, including Chalkwell Avenue and Hall Park Avenue, leaving the centre of the street blocks very open in this location.
- 1.4 Some of the properties along Chalkwell Avenue have been converted into flats but overall they have not lost their original character. There are a few modern, purpose-built flatted blocks within the wider streetscene including on the northern side of the junction,

but these are 'of their time' and generally poor, anomalous designs which pre-date existing planning policy.

1.5 Chalkwell Avenue is a Classified Road and main route to the seafront. The site is in Flood zone 1 (low risk). There are no specific policy designations in this location.

## 2 The Proposal

2.1 The proposal seeks to erect one three storey block of no. 9 self-contained flats with balconies and terraces to the north, east and west elevations and to layout private garden areas and communal amenity space, cycle and bin storage to the rear. The units comprise 2 x 1 bed flats, 3 x 2 bed flats, 4 x 3 flats. The development is a maximum of 18m wide fronting Chalkwell Avenue reducing to 7.2m to the rear, 28.1m to the north elevation fronting Kings Road reducing to 18.8m and has a pitched roof with an eaves height of 6.4m and a maximum height of 11.7m.

2.2 The proposal includes 9 off street parking spaces at the rear, all of which have electric charging points, and the formation of a new vehicular access on to Kings Road at the northwest corner of the site. The existing vehicular access to the front onto Chalkwell Avenue will be reinstated and the verge planting extended. The existing burr brick boundary wall is to be retained.

2.3 This application is an amended application following the approval of an earlier scheme in 2021 reference 20/02224/FUL. The differences between the respective applications are as follows:

- The number of units remains the same at 9 but the mix has changed from the approved 5x 2 bed and 4 x 3 bed flats to 2 x 1 bed, 3 x 2 bed and 4 x 3 bed flats.
- The internal layout has been changed to accommodate the amended mix and the location of the main entrance has moved from the east to the north side facing Kings Road. Individual entrances to the two ground floor units only are now proposed on the east side.
- The car park has an amended configuration but the number of spaces remains the same at 9 which is 1 per unit. EV charging points have been introduced for all spaces.
- The width of the building facing Chalkwell Avenue has been reduced from 20.3m to 18m. The depth facing Kings Road has been reduced from 29.2m to 28.1m. The maximum ridge height and eaves height remain unchanged.
- The general form and placement of the building is similar to the previously approved scheme but some changes have been made to the elevations in relation to the internal room layout and relocation of the core.
  - On the east elevation and the most significant change is the replacement of the double height entrance feature with 2 individual entrances at ground floor only.
  - On the north elevation the most significant changes are the new entrance feature and core including an infill dormer between the gables at roof level and a wider bay detail to the eastern gable.
  - On the west elevation the window configuration has been amended including wider Juliette balconies at first floor.
  - On the south elevation a set of French doors has been added at ground level on the projecting element of the development and at first floor the window to bedroom 3 of flat 4 has been amended to an angled window

looking southwest. A second similar angled window has also been added to the living area to flat 4.

- In terms of the overall site layout, whilst the building is in fact slightly smaller than the previous approval, due to discrepancies in the previously-submitted overall site measurements the space surrounding the building to the rear has been slightly reduced on all sides. This has impacted on the separation distances to the neighbours and the impact of this is assessed in subsequent sections of this report. The amended proposal would be at least 16m from the west boundary with No 2 Hall Park Avenue and 9.5m from the south boundary with No 53 Chalkwell Avenue.
- The amenity provision has also consequently been amended. 6 of the flats have private balconies or terraces and the remaining 3 have Juliette balconies. A proposed 64sqm communal amenity space has been maintained at ground level to the rear of the building and an area of communal gardens is proposed to the north side of the building.
- Details of the refuse and cycle store and planting scheme have also been provided.

2.4 The agent has provided the following reason for the proposed changes '*As the design progressed and technical issues were considered in greater detail, some discrepancies were discovered in the topographical survey and site dimensions. These prompted the design team to reconsider a number of aspects of the design, in response to the updated site information, but more also taking the opportunity to optimise the design, improving the quality of some accommodation, the efficiency of the internal circulation and rationalising the construction of the building, maintaining the architectural character of the previously approved proposal.*'

### **3 Relevant Planning History**

- 3.1 20/02224/FUL - Erect one three storey block of no. 9 self-contained flats with associated off street parking to rear, balconies to north, east and west elevations, terrace areas to rear upper floor flats, private garden areas to rear ground floor flats, layout communal amenity space and landscaping, cycle and bin storage to rear and form vehicular access on to Kings Road – granted
- 3.2 18/01269/DEM - Demolish existing building (Application for Prior Approval for Demolition) – approved
- 3.3 03/01238/OUT - Erect detached dwelling with garage and form vehicular access onto Kings Road on land at rear – refused
- 3.4 86/1915 - erect detached bungalow with garage and form vehicular access onto Kings Road – refused

### **4 Representation Summary**

4.1 27 neighbouring properties were consulted and a site notice displayed. A second round of consultation was undertaken following amendments to the design of the proposal. In total 14 letters of objection were received from 7 households raising the following summarised issues:

- The proposal is larger than the previous approval.

- Flats are out of character.
- Over development.
- Development shifted east - overly prominent on Chalkwell Avenue.
- Impact on neighbour amenity.
- Increased overlooking of neighbours at 1<sup>st</sup> and 2<sup>nd</sup> floor. Additional door and window to south side will cause overlooking of kitchen in neighbouring property.
- Larger balconies causing loss of privacy and intrusive.
- An additional 3 bed apartment has been added.
- Relocation of main entrance onto Kings Road is dangerous as this is busy.
- Increased noise and disturbance including from relocated entrance.
- Surface water flooding.
- Light pollution.
- Footpath to front changed to driveway with roundabout - car noise and will be used as overflow parking, concerns about pollution.
- Building line has moved forward at front impacting on sunlight to neighbours.
- Loss of trees.

Officer Comment: These concerns are noted and those that represent material planning considerations 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.

### **Highways Team**

- 4.2 No objections.

### **Environmental Health**

- 4.3 No objections on the proposed amendments.

### **Parks**

- 4.4 The proposed location of the vehicular access in Kings Road is too close to the street tree in this location (T4). Even with no dig construction this is bound to expose large, structural roots which cannot be cut without harming this tree.

**[Officer Comment: The location of the vehicular access has been amended to the northwest corner of the site which is the same location as that previously approved under application 20/02224/FUL.]**

### **Essex Fire Service**

- 4.5 Access appears to be satisfactory and will be considered in more detail at the Building Regulations stage.
- 4.6 The application was called to Committee by Councillor Folkard.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance

- 5.2 National Design Guide (2019)
- 5.3 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).
- 5.5 Southend Design & Townscape Guide (2009)
- 5.6 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.7 Vehicle Crossing Policy & Application Guidance (2021)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)
- 5.10 Southend Electric Vehicles Charging Infrastructure for New Development Supplementary Planning Document (2021)
- 5.11 Southend Waste Management Guide for New Developments (2019)

## **6 Planning Considerations**

- 6.1 This application is for the variation of condition 02 relating to the approved plan numbers of application reference 20/02224/FUL. The proposed amendments are listed in paragraph 2.3 above. The proposal is for the same site and nature of development and is considered to fall within the scope of a minor material amendment. Given the range of alterations proposed the considerations are design and impact on the character of the area, standard of accommodation for future occupiers, impact on neighbour amenity, parking and highways including impact on street trees. Sustainability and ecology impacts including RAMS were previously assessed under application reference 20/0224/FUL and previously found to be acceptable and remain unchanged subject to the same conditions as previously applied.

### **Appraisal**

## **7 Principle of Development**

- 7.2 The provision of new high quality housing is a key Government objective.
- 7.3 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 122 states:

122. *Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

- 7.4 Policy KP2 of the Core Strategy states development must be achieved in ways which *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*.
- 7.5 Policy CP4 requires that new development *“maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments”* and that this should be achieved by *“maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.6 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land. Policy DM3 of the Development Management Document states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”*.
- 7.7 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. 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. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. Several of the flats proposed would be of a type which would be likely to be suitable for families. There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. Although, it should also be noted that a scheme for this quantum of housing would have limited effect on the overall supply of housing.
- 7.8 Planning permission was granted on 6<sup>th</sup> June 2021 (20/02224/FUL) to *‘erect one three storey block of no. 9 self-contained flats with associated off street parking to rear, balconies to north, east and west elevations, terrace areas to rear Upper floor flats,*

*private garden areas to rear ground floor flats, layout communal amenity space and Landscaping, cycle and bin storage to rear and form vehicular access on to Kings Road.'*

- 7.9 This proposal is seeking to vary condition 02 (approved plans) of that permission. The proposed amendments are listed in paragraph 2.3 above. These are considered acceptable as minor material amendments. The principle of the development was previously accepted under application 20/02224/FUL and remains acceptable.
- 7.10 The National Planning Policy Framework has been revised since this time but neither the national and local policy framework nor the site circumstances have changed in any material respects as regards this proposal. The proposal therefore remains acceptable in principle subject to the detailed considerations below.

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

- 7.11 Paragraph 126 of the NPPF states '*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'
- 7.12 Policy DM1 of the Development Management Document states that "*all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.*"
- 7.13 The proposal seeks to construct a development of 9 flats on a prominent site at the junction of Chalkwell Avenue and Kings Road.
- 7.14 The proposal has the same general form and bulk, positioning on site and height as the previous scheme which was found to be acceptable in these regards but is slightly narrower and slightly shorter than the previous approval. The scale, bulk, form and site layout therefore remain acceptable.
- 7.15 Some changes are proposed to the design detailing mainly in response to an amended internal layout including a relocation of the main entrance point from the east elevation to the north elevation to achieve a more efficient internal layout. A projecting feature porch is now proposed on the north side accessed by a path from King Road. This will still be visible from the street from the gate on this side and provide a focus for the building on this frontage. The amended core design in this location also includes the infilling of a section of the roof between the gables to enable access around the relocated lift core at roof level. This is proposed to be a mostly glazed feature to ensure a lightweight appearance and it will be well set back from the edges of the gables. In principle, subject to the agreement of the detailed design, the amended entrance on the north elevation is considered to be compatible with the design of the building and acceptable.
- 7.16 To the east side facing Chalkwell Avenue two individual entrance porches are proposed to the ground floor units only in place of the main entrance which was previously proposed in this location. The inclusion of these individual flat entrances here will help to retain a focus for this key elevation facing Chalkwell Avenue and is also considered

to be acceptable subject to the agreement of detailing which can be controlled by planning condition.

- 7.17 Some alterations are also proposed to the fenestration arrangements on all sides including a larger openings in the east gable on the north side and on the west elevation and the angled windows on the south elevation. These are consistent with the overall design approach and are considered to be acceptable.
- 7.18 In all other general respects, the design of the proposal, including the general appearance and design approach, feature bays, materials and detailing, is similar to that previously approved including the feature gables and bays, over extended eaves, tile hanging and brickwork detailing to accentuate the corner and can be controlled by condition.
- 7.19 The landscaping of the frontages has also been amended to suit the new access arrangements. Semi-screened sitting out areas are proposed for the ground floor units to the front of the site along with paths to all entrances linking to the rear parking area. Full landscaping details will be controlled by condition. As with the previous scheme, the existing boundary walls to the east and north sides will be retained as part of these proposals. Four low quality trees are proposed to be removed including the lime tree in the southwest corner of the site. This tree was considered for a TPO but a detailed survey found that it has a large wound on the base of the trunk which was considered to detrimentally impact on its lifespan. It consequently scored very poorly on this assessment. There is therefore no objection to the removal if this tree subject to replacement trees being included in the landscaping of the site. This can be controlled by condition.
- 7.20 Overall, it is considered that, subject to conditions relating to materials, detailing of key elements and landscaping, the scale, form, siting and detailed design of the revised development will have an acceptable impact on the character and appearance of the site, the streetscene and wider area and the proposal is policy compliant in this regard.

### **Standard of Accommodation for Future Occupiers**

- 7.21 Delivering high quality homes is a key objective of the NPPF.
- 7.22 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *“Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents”*.

#### *Space Standards and Quality of Habitable Rooms.*

- 7.23 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes.
- 7.24 The proposal provides 2 x 1 bed 2 person flats, 3 x 2 bed 4 person flats, 3 x 3 bed 5 person flats and 1 x 3 bed 6 person flats. The required standards for these units are 50sqm, 70sqm, 86 sqm and 95 sqm respectively. All master bedrooms are required to be 11.5sqm with a minimum width of 2.75m. All other doubles must be at least 11.5sqm with a width of 2.55m. All single bedrooms must be a minimum of 7.5sqm and a minimum width of 2.15m. The flat sizes are as follows:

<i>Flat</i>	<i>Area</i>	<i>Bed 1</i>	<i>Bed 2</i>	<i>Bed 3</i>	<i>Amenity</i>
<i>Flat 1 3 bed 5 person</i>	<i>98.5sqm</i>	<i>11.5 sqm Width 3.3m</i>	<i>11.5 sqm Width 3m</i>	<i>7.9 sqm Width 2.6m</i>	<i>36 sqm</i>
<i>Flat 2 2 bed 4 person</i>	<i>74.3 sqm</i>	<i>12.6sqm Width 2.75m</i>	<i>11.8 sqm Width 2.55m</i>		<i>50 sqm</i>
<i>Flat 3 3 bed 6 person</i>	<i>121.4sqm</i>	<i>15.2 sqm Width 3.2m</i>	<i>11.5 sqm Width 3.1m</i>	<i>11.5 sqm Width 3.4m</i>	<i>35 sqm (front garden)</i>
<i>Flat 4 3 bed 5 person</i>	<i>97.8 sqm</i>	<i>11.5 sqm Width 3.3m</i>	<i>11.5 sqm Width 3m</i>	<i>7.8 sqm 2.6m</i>	<i>Large Juliette balcony Only</i>
<i>Flat 5 1 bed 2 person</i>	<i>55.8 sqm</i>	<i>12.5 sqm Width 3.3m</i>			<i>Large Juliette balcony only</i>
<i>Flat 6 1 bed 2 person</i>	<i>56.4 sqm</i>	<i>12.5 sqm Width 3.3m</i>			<i>Juliette only</i>
<i>Flat 7 2 bed 4 person</i>	<i>74.9sqm</i>	<i>12.8 sqm Width 3.2m</i>	<i>11.8 sqm Width 3.1m</i>		<i>3 Juliette balconies</i>
<i>Flat 8 3 bed 5 person</i>	<i>104.4sqm</i>	<i>11.6 sqm Width 3.2m</i>	<i>11.95 sqm Width 2.7m</i>	<i>11.3 sqm 2.3 sqm</i>	<i>42 sqm</i>
<i>Flat 9 2 bed 4 person</i>	<i>90.4 sqm</i>	<i>13.1 sqm Width 3.1m</i>	<i>11.6 sqm Width 2.8m</i>		<i>12.6 sqm</i>

7.25 All units are compliant with the National Technical Housing Standards. The proposal is acceptable and policy compliant in this regard.

#### *Light, Privacy and Outlook*

7.26 The submitted floorplans show that all habitable rooms would have good light and outlook. The proposal is acceptable and policy compliant in this regard.

#### *M4(2) – Accessibility*

7.27 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards.

7.28 All upper floor flats have access to a lift. The agent has confirmed that all units will meet the M4(2) standard. Full compliance with M4(2) can be secured by condition. The proposal therefore meets the accessibility requirements and is policy compliant in this regard.

#### *Amenity Provision*

7.29 The ground floor and second floor units (5) have generous terraces or balconies. The flats on the first floor only have juliette balconies but these are generally significant in width or number and combined with generous internal flat sizes. This is a similar arrangement as the approved scheme. In addition, all units have access to a 64sqm

communal amenity space to the rear of the building and a landscaped communal garden area to the north side of the building behind the existing tall boundary wall. Subject to appropriate landscaping, it is considered that this will provide satisfactory amenity space for residents and the proposal is accessible and policy compliant in this regard.

- 7.30 Overall, it is considered that the amended proposal will provide a good standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

### **Impact on Residential Amenity**

- 7.31 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.
- 7.32 The amended proposal is slightly smaller than the originally approved scheme, the width of the building facing Chalkwell Avenue has been reduced from 20.3m to 18m and the depth facing Kings Road has been reduced from 29.2m to 28.1m but, because of discrepancies in the initial site measurements, the space around the building appears reduced as compared to the approved scheme. This proposal must therefore be assessed on its merits in relation to the corrected separation distances from neighbours.
- 7.33 The front section of the building is set between 1.4m and 2.9m from the site's south boundary and between 2.3m and 3.7m from the neighbouring property No. 53 Chalkwell Avenue. The front building lines are on a similar alignment. This arrangement is consistent with local character and considered to be acceptable. The previous approved scheme included a window towards the front on this elevation which was found to be acceptable subject to a condition requiring it to be obscure glazed. This window has been omitted from the amended scheme.
- 7.34 The rear projection is 9.5m from the south boundary with No. 53 Chalkwell Avenue. No 53 has 4 windows in its north flank elevation at first floor which serve non-habitable rooms including a staircase and bathrooms and a kitchen window at ground floor. The proposal has 2 windows at first floor in the rear projection. Concerns were raised in relation to overlooking from proposed first floor windows into the neighbour's kitchen window and rear garden area. The kitchen window is a clear glazed secondary window towards the rear of the building. It is protected from overlooking by the proposed development which has a comparable depth to the neighbour adjacent to this boundary. In order to address concerns in relation to overlooking of No 53's rear garden area during the course of the application, the design of the proposed first floor windows has been changed to an angled arrangement so that they face southwest away from this neighbour, effectively increasing the separation distance to the northern boundary of No 53's rear garden to 12.8m. This is within acceptable limits in terms of prevent any harmful overlooking and is considered acceptable.
- 7.35 There is a small terrace at 2<sup>nd</sup> floor level which is 3.4m from this boundary and projects 850mm out from the eaves (unit 9). It is considered that a privacy screen should be

installed to the south side of this terrace to prevent overlooking of the garden of No 53 Chalkwell Avenue. Such a screen would not in itself create any harmful impacts for neighbours such as loss of light, outlook or sense of enclosure due to the distance from the shared boundary. The larger terrace to unit 8 includes an integral planter on its entire south side to prevent residents standing on its southern edge and to ensure that there is sufficient distance to the boundary (10.5m) not to warrant a privacy screen. This is similar to the arrangement of the previously approved scheme.

- 7.36 Overall, therefore, it is considered that the amended scheme would not cause any significant harm to the amenities of occupiers of No 53 Chalkwell Avenue subject to provision and retention of a privacy screen for the south side of the balcony to unit 9.
- 7.37 The proposed development, including the terrace to unit 4, would be 16m from the west boundary with the garage to the neighbour to the west No. 2 Hall Park Avenue, over 19.5m to the rear garden boundary of this property and an additional 18m to the house itself. This distance is considered to be sufficient to safeguard the amenities of properties in Hall Park Avenue in all relevant regards. No other properties are materially affected by this proposal.
- 7.38 Overall, subject to a condition requiring a screen to the south side of the terrace of unit 9 it is considered that the design, size, siting and scale of the development proposed and separation distances are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider surrounding area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

### **Traffic and Transportation Issues and Trees**

- 7.39 Development Management Document Policy DM15 requires a minimum of 1 off street parking space for each flat. 9 parking spaces are proposed to the rear of the development to serve the 9 flats, accessed by a new vehicular access onto Kings Road. This is acceptable and policy compliant. The Council's Highways Officer has raised no highways or parking-based objection including to the new vehicular access in Kings Road, subject to the reinstatement of the redundant crossover in Chalkwell Avenue, which can be secured by condition. This is consistent with the previous approval which also had 9 spaces in this location.
- 7.40 As with the previous application a number of concerns have been raised about the proximity of the new Kings Road crossover to the junction with Chalkwell Avenue. The proposed crossover is approximately 30m from that junction and the Council's Highways Officer has raised no objection in relation to traffic generation or safety in relation to the junction. This is consistent with the previous approval which had the same access point.
- 7.41 During the course of the application the location of this new crossover has been relocated westwards to the corner of the site to reduce the impact on the street tree in Kings Road. This is the same location as previously approved under reference 20/02224/FUL which was found to be acceptable subject to tree protection measures to be agreed by condition. This arrangement therefore remains acceptable subject to tree protection conditions. Three lower quality trees at the site will be removed and replaced with new trees. This is consistent with the previous approval which had the same access point and tree retention proposals.

- 7.42 Subject to conditions relating to parking, reinstatement of the crossover/verge planting and tree protection, the proposal is considered to be acceptable and policy compliant in terms of parking provision, access and trees.

#### *Cycle Parking and Refuse Storage*

- 7.43 Development Management Document Policy DM15 requires a minimum of 1 secure cycle space per flat. The site plan shows the provision of a cycle shelter and a refuse store to the rear of the building and full details of these have been included with the application. This is considered to be an acceptable location and provision of these can be secured by condition. The proposal is acceptable and policy compliant in this regard.
- 7.44 Overall, subject to the above conditions, it is considered that the proposal would have an acceptable impact on traffic and transportation and trees and the proposal is policy compliant in this regard.

#### **Sustainability including Sustainable Drainage**

- 7.45 Sustainable development is a key objective of the NPPF.
- 7.46 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.
- 7.42 The Design and Access Statement confirms that it is the intention to provide the 10% renewable energy through the provision of PV panels on the south facing roof slopes. This is acceptable in principle and full details can be secured via condition. A condition can also be imposed to require water efficient appliances.
- 7.43 Policy KP2 of the Core Strategy also states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. No information has been provided in relation to sustainable drainage but as a minor development, full details of this can be secured by condition.
- 7.44 Subject to these conditions the proposal is considered to be acceptable and policy compliant in regards to sustainable development and drainage.

#### **Ecology**

- 7.45 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.

#### *Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)*

- 7.46 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), 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. This payment has been secured as part of the previous approval and can be carried over to this amended scheme. The proposal is therefore considered to be acceptable and policy compliant in this regard.

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

- 7.47 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 897.1 sqm, which may equate to a CIL charge of approximately £68731.66 (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 amended development, when assessed on its individual merits, would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The amended proposal 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. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability, ecology and trees. This proposal creates new housing. 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. No such impacts have been found and this application is recommended for approval subject to conditions.

## **9 Recommendation**

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

**01 The development hereby permitted shall begin not later than 2<sup>nd</sup> June 2024.**

**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 Location Plan, 002 (18.01.2022), 003 (18.01.2022), 004 (18.01.2022), 005 (18.01.2022), 006 (18.01.2022), 007 (18.02.2022), 008 (18.01.2022), 0011 (18.01.2022), 0012 (18.01.2022), Section Detail**

**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 unless and until full product details of the materials to be used on all the external elevations, including walls, bays and balconies, roof, eaves and roof terraces, windows and doors, entrance glazing and porch, fascia and soffits, balcony balustrades and privacy screen, bin and cycle stores, rainwater goods and boundaries 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 before it is brought into first use.**

**Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policies 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 above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the main entrance and porch and entrance porch to units 2 and 3, projecting bays and balconies including balustrade details, windows and doors including reveals and framing and fixing of Juliette balconies, projecting eaves detail including soffits, flat roof ridge edge detail, dormer detail to north elevation, tile hanging and brick decoration and any alterations to the existing boundaries to Kings Road and Chalkwell Avenue, at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out 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).**

**05 Prior to the occupation of the development hereby approved an obscure glazed privacy screen (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) of not less than 1.7m high above terrace level shall be fitted to the south side of the 2<sup>nd</sup> floor terrace to unit 9 in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained for the lifetime of the development in accordance with the approved details.

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

06 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 of the existing building 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, unless otherwise agreed in writing by the Local Planning Authority. 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 walls and fencing;
- iii) hard surfacing materials;
- iv) full details of any structures (e.g. benches, planters, loggias, lighting etc.);
- v) 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.
- vi) 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 the 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)

07 The tree and tree root protection measures as set out in Tree Protection Plan Rev 3 dated 20.01.2022 and Appendix 3 of the Arboricultural Report Rev 03 by Andrew Day Arboricultural Consultancy Ltd dated 20.01.22 in relation to the trees identified as T2, T3, T4, T7, T8 and T9 in this statement including the mitigation measures in relation to construction within their root protection areas shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development hereby

**approved. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.**

**Reason: A pre-commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).**

**08 The 9 car parking spaces, each with associated electric vehicle charging points, the associated new vehicular access for these spaces to access the public highway on Kings Road and the reinstatement of the redundant crossover on Chalkwell Avenue back to planted verge, as shown on approved plan 012 (18.01.2022) shall be provided and made available for use prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.**

**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 Southend Design and Townscape Guide (2009).**

**09 The development hereby approved shall not be occupied or brought into use until and unless the refuse and recycling storage and cycle storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawings number 012 (18.01.2022) and 010 (18.01.2022) or any other details that have been previously agreed in writing by the Local Planning Authority under the terms of this condition. The refuse and recycling facilities shall be permanently retained as such thereafter.**

**Reason: To ensure that adequate refuse and recycling storage and secure cycle parking 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).**

**10 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details 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) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).**

**11 Prior to 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 for the whole development and retained 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 Design and Townscape Guide (2009).**

**12 The development hereby approved shall be carried out in a manner to ensure the flats comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are 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 Design and Townscape Guide.**

**13 No drainage infrastructure, including earthworks, associated with this development hereby approved shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such thereafter in perpetuity.**

**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).**

**14 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.**

**Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area 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 the Design and Townscape Guide (2009).**

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

**Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).**

**17 The development hereby approved shall be undertaken in full accordance with the submitted Construction Method Plan Rev 2 dated 17.01.2022 or any other Construction Method Plan which has been previously submitted to and approved in writing by, the Local Planning Authority. This plan shall be fully adhered to throughout the construction period of the development.**

**Reason: This 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).**

**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 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)).**

**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 the appropriate highways licences should be obtained prior to the commencement of the development. The applicant is advised to contact the Councils Highways Officer [martinwarren@southend.gov.uk](mailto:martinwarren@southend.gov.uk) to arrange the reinstatement of the crossover and verge on the Chalkwell Avenue frontage which must be carried out by the Councils appointed contractor.**

**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.**