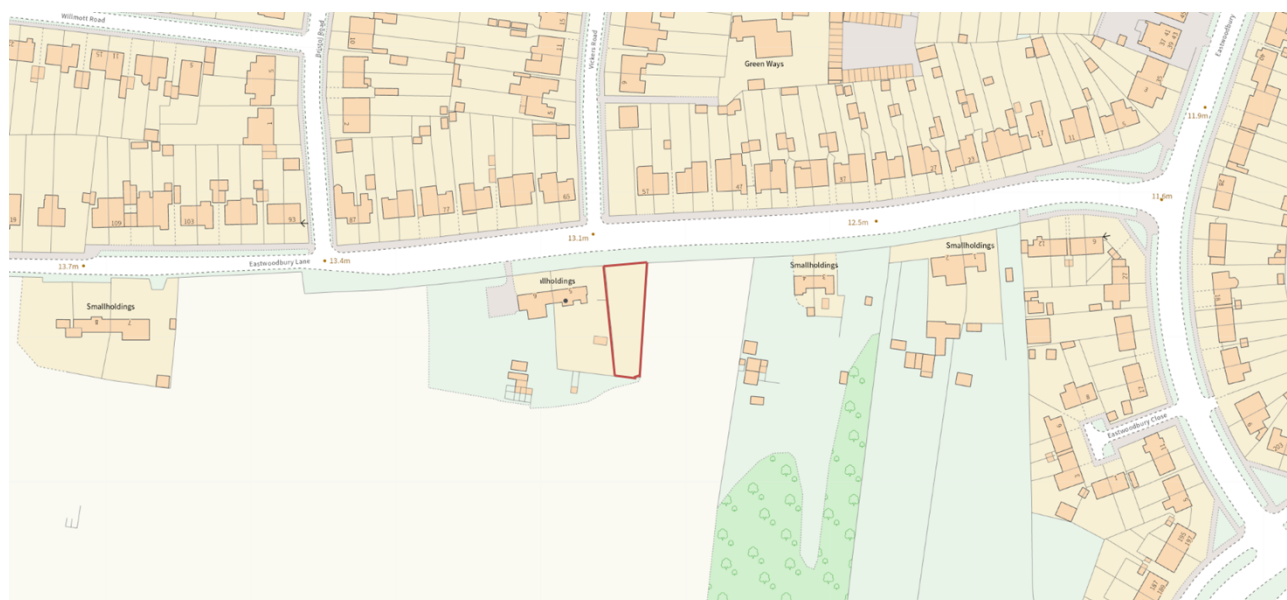


Reference:	22/01881/FUL	
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	Erect two storey detached dwellinghouse and install vehicular access from Eastwoodbury Lane.	
Address:	Land Adjacent 5 Smallholdings, Eastwoodbury Lane, Southend-on-Sea, Essex, SS2 6UZ	
Applicant:	Mr Brian Harding	
Agent:	Mr Lewis Stanford of LJS	
Consultation Expiry:	13.07.2023	
Expiry Date:	14.07.2023	
Case Officer:	Oliver Hart	
Plan Nos:	001 Rev 04; 002 Rev 05; 003 Rev 03	
Additional information:	Supporting Statement; Preliminary Ecological Appraisal and Preliminary Roost Assessment issue 2 by MMEEnvironmental Ltd. dated 23/05/2023	
Recommendation:	DELEGATE to the Director for Planning or the Development Control Service Manager to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 13 July 2023 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.	



1 Site and Surroundings

- 1.1 The application site is an undeveloped parcel of land to the south of Eastwoodbury Lane some 0.062ha in area (a maximum 17m wide by 45m deep) which reduces in width towards the rear boundary. There is currently no vehicular access point from Eastwoodbury Lane.
- 1.2 The site is screened from public views by mature vegetation comprising conifer trees. The east flank boundary contains low-level hedging and the rear (southern) boundary contains mature trees. Within the site there are Willows and Apple trees. Three street trees are to the front of the site.
- 1.3 Immediately to the east and south of the site is undeveloped land and beyond that is a community allotment. To the north, west and further east of the site are dwellings positioned along Eastwoodbury Lane. Residential properties are typically semi-detached and of traditional pitch-roofed design. Cat-slide wall dormers are evident among dwellings on the southern side of Eastwoodbury Lane.
- 1.4 The site is designated as Best and Most Versatile Agricultural Land (BMVAL) within the Core Strategy and Development Management Document. It also lies within the area covered by the London Southend Airport Joint Area Action Plan (JAAP) where it is designated as Public Open Space. The application site is not the subject of any other site-specific policy designations.

2 The Proposal

- 2.1 Planning permission is sought to erect a detached dwellinghouse and to install a vehicular access from Eastwoodbury Lane.
- 2.2 The proposed 198sqm dwelling would have 4 bedrooms. It would be in a chalet style (one and a half storeys in appearance) with an extended pitched roof to the front some 7.1m in maximum height (4.1m high to eaves). Amended plans were sought during the course of the application, reducing the width of the two cat-slide wall dormers proposed to the front roof slope, and amending the angle of pitch of the single storey part-width projection to the front that would also form a partial canopy over the main front entrance.
- 2.3 The rear elevation would comprise a two-storey gabled projection some 5m deep, 5.8m wide and 7m in maximum height with an inset balcony to the rear.
- 2.4 Finishing exterior materials are shown as render to the external walls with grey slate roof tiles and grey uPVC windows.
- 2.5 Seven conifer trees to the front boundary would be removed and hardstanding would be laid out to the front of the site to enable off-street parking for three vehicles. This would be accessed via a dropped kerb, some 3m wide, centrally placed in relation to the site.
- 2.6 Two willow trees, four apple trees and one unidentified tree would also be removed. Replacement tree planting to the rear of the site is proposed although specific details have not been provided.
- 2.7 The dwelling would have a rear garden area some 300sqm in area. Landscaping, cycle parking and refuse storage details have not been provided.
- 2.8 The proposal is being presented to the Development Control Committee as it involves a departure from the development plan.

3 Relevant Planning History

3.1 None.

4 Representation Summary

Public Consultation

4.1 8no. neighbouring properties were consulted by letter a site notice displayed and a press advert placed. The expiry for the press advert is the 13/07/23 and the continuing period for representation submission is reflected in the report recommendation. At present, 1no. letter of representation has been received. Summary of comments;

- Highways concerns – new dwellings have already been approved in the area.
- Habitat impact concerns
- Impact on community infrastructure
- Overlooking and loss of privacy impacts
- Cannot find plans on website

[Officer Comment]: The comments have been taken into consideration and those relevant to planning matters raised are discussed in the relevant sections of the report. The objecting points raised by the representation are not found to be justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

London Southend Airport

4.2 No objections subject to informatives in the event the development were to involve crane use.

Highways

4.3 No objections - The applicant will be required to apply to highways to construct the vehicle crossover.

Environmental Health

4.4 No objections subject to conditions relating to refuse and recycling details, construction hours and declaration of any potential contamination. *[Officer Comment: It is not considered the contamination condition is reasonable given the undeveloped nature of the site]*

Arboricultural Officer

4.5 No objection subject to tree replacement planting.

Parks

4.6 No objections subject to biodiversity enhancing measures being conditioned and approved before development commences. All recommendations and mitigation proposed in the ecological survey should be conditioned.

Strategic Planning

4.7 No objections to the proposed development

5 Planning Policy Summary

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

- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP5 (Minerals and Soils Resources) and CP8 (Dwelling Provision).
- 5.4 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), DM15 (Sustainable Transport Management).
- 5.5 London Southend Airport Joint Area Action Plan (JAAP) (2014) policies ENV3 (Green Buffer South)
- 5.6 Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Technical Housing Standards – Nationally Described Space Standard (2015)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.10 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.12 Southend-on-Sea Vehicle Crossing Policy and Application Guidance (2021)
- 5.13 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

6 Appraisal

Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene, impacts on neighbours' residential amenity, living conditions of future occupiers, traffic and transportation matters, energy and water sustainability, drainage matters, ecology, RAMS, Equality and Diversity considerations and CIL.

Principle of Development

Provision of housing and loss of Best and Most Versatile Agricultural Land (BMVAL)

- 6.2 Paragraph 119 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 6.3 Paragraph 121 of the NPPF states "Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield

registers or held in public ownership, using the full range of powers available to them.”

- 6.4 The Government’s latest Housing Delivery Test (“HDT”) Results (January 2022) show that Southend-on-Sea delivered 31% of its total housing requirement between 2018-2021, thereby triggering the presumption in favour of sustainable development under paragraph 11 of the NPPF. Southend-on-Sea’s Five-Year Housing Land Supply (“5YHLS”) figure shows that it has a deficit in housing land supply. The latest available figure stands at 2.55 years’ worth of housing land supply. Together, this demonstrates a pressing need for housing delivery within the City. The SESHMA identifies that Southend-on-Sea has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties, a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 6.5 The proposed development although limited in scope, would provide additional housing within the City and would be considered to be a family sized dwelling (a dwelling with 3 or more bedrooms as defined in Policy DM7 of the Development Management Document) which is a positive of the scheme and for which there is a significant identified need in the City. This is considered to carry significant weight in the assessment of the application.
- 6.6 In terms of the BMVAL designation, the key policy is CP5 of the Core Strategy which ‘seeks to protect the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) from irreversible damage where this is consistent with the full range of sustainability considerations, including biodiversity; quality and character of the landscape; amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality.’
- 6.7 Annex 2 of the NPPF defines BMVAL as Land in grades 1, 2 and 3a of the Agricultural Land Classification. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the BMVAL. Paragraph 175 and footnote 58 of the NPPF state that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 6.8 The proposal would result in new development on land that is designated as BMVAL and sequentially is less preferable than lower grades of agricultural land. Despite the conflict with policy, this issue is not capable of disengaging the presumption in favour of sustainable development.
- 6.9 The planning statement submitted details that the application site and neighbouring parcels of undeveloped land are all of modest size and under private ownership, representing a significant obstacle in mobilising the site for any future commercial agricultural activity. In addition, the modest size of the site itself, its position in a semi-urban locale and proximity to residential development to the immediate north and east are such that it is unlikely to hold any significant value in terms of agricultural potential.
- 6.10 It is considered that the new dwelling proposed would constitute effective and efficient use of the land. The results of the HDT and 5YHLS position weigh significantly in favour of the proposed housing scheme which in this instance, given its scale, is considered to make a modest but important contribution towards the provision of housing in the city. The development is considered to satisfy national and local planning policy in these regards. The tilted balance in favour of sustainable development should be applied.

Public Open Space designation (JAAP)

- 6.11 The site falls within a wider public open space designation on the JAAP policies map. This includes agricultural fields to the south and east adjacent to the site (also not publicly accessible) and St Laurence Park further to the west. Policy ENV3 relates to 'a green buffer' to the south of Eastwoodbury Lane.
- 6.12 The site is relatively small, privately owned and not currently accessible to the public. The application relates to 1 No unit adjacent to existing residential uses. Within the detail of their consultation response, Strategic Planning recognise that the site plan shows tree planting, including to the street frontage and within the rear garden. Given the above, it is not considered that the implementation of the application would prejudice the creation of additional public open space in the wider area were this to come forward, nor is it considered to significantly weaken the ability of the remaining land to the south of Eastwoodbury Lane to act effectively as a green buffer.
- 6.13 On this basis, the proposal would not unduly conflict with planning policy such that no objection is raised to development on the application site.

Infill Development

- 6.14 The location of the proposed dwelling would render it infill development. Policy DM3 is applicable which states: "All development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
1. Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
 2. Conflict with the character and grain of the local area; or
 3. Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
 4. Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."
- 6.15 The surrounding area is residential in character and regard is had to the position of the application site in a broadly sustainable location for development which conforms to the prevailing land use around it. As discussed in more detail in the relevant sections of the report, the proposal would comply with the relevant criteria of Policy DM3 in that it would have an acceptable relationship with its neighbouring residential properties, it would not conflict with the character or grain of the local area and, subject to conditions to require planting of trees and to comply with the recommendations and the mitigation measures outlined in the ecological survey, it would not result in the loss of ecological assets.
- 6.16 The development would add to the supply of dwellings in the city and proposes a unit suitable for families, a type of housing for which there is greater need in the City, as identified in the SESHMA. On this basis, and attaching significant weight to strategic housing need, the proposed development is in the circumstances of this case considered to be, in principle, an appropriate infill addition in this location. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 6.17 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates

better places in which to live and work and helps make development acceptable to communities.

- 6.18 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 6.19 The proposed dwellinghouse would be sited in close proximity to No's 5 & 6 Smallholdings (west) and consequently will be read as part of this run of properties. These properties are of traditional chalet style (appearing as 1 and a half storeys in scale) and characterised by extended pitched roofs, cat-slide wall dormers to their front and are finished externally in render with clay roof tiles.
- 6.20 The proposed dwelling is of a more contemporary design having regard to the external materiality (white render, grey slate roof tiles) and fenestration proportion and arrangement however, it would retain a chalet appearance when viewed from Eastwoodbury Lane, with an extended pitched roof of comparable eaves and ridge heights to No's 5 & 6 Smallholdings. Grey roof tiles are not evidenced in the streetscene which comprises predominantly reddish/brown roof materials. A condition will be imposed requiring details of materials to be submitted and agreed which will provide for alternative roof materials to be agreed.
- 6.21 Revisions were secured during the course of the application and amended plans were received which altered the fenestration arrangement and reduced the widths of the sloping flat roofed front dormers to a comparable design and scale to those seen elsewhere on this side of Eastwoodbury Lane. Moreover, the proposed dormers would appear as incidental features in the front roofslope such that no objections would be raised on design and character terms.
- 6.22 Regard is also had to the layout and footprint of the proposed dwelling which would follow broadly the established building lines of No's 5 and 6 Smallholdings. Moreover, the general footprint is considered proportionate to the scale of the plot, with separation retained to either flank boundary, from Eastwoodbury Lane (immediately north) and with a garden area of appropriate size for the occupancy profile of the dwelling. In the round therefore, the proposed dwelling is not considered to conflict with the urban grain of the area to a harmful degree nor would the dwelling itself appear out of keeping with the neighbouring dwellings identified.
- 6.23 No character-based objection is raised to the provision of a new vehicular access (some 2.9m wide) onto Eastwoodbury Lane having regard to the presence of other examples in the immediate vicinity and the retention of sufficient separation from adjacent street trees.
- 6.24 The front of the site is presently screened by a curtain of mature vegetation comprising specifically mature conifer trees which are prominent in the current setting of the site and its impact to the streetscene. 7no. conifers to the front of the site would be removed principally to enable provision of access plus hardsurfacing to the front of the site. Within the site, 2no. Willow trees 4no. Apple trees and 1no. unidentified tree would also be removed.
- 6.25 The loss of these trees from a visual impact and character standpoint would represent a negative aspect of the development given the existing nature and maturity of this

verdant setting. However, plans detail several of the conifer trees to the east and west of the site's frontage would be retained. Moreover, tree replacement is indicated to the rear of the site to offset this loss, albeit specific details have not been provided at application stage. As a matter of course, the Council's requirement for tree planting is at a ratio of two for one and this can be secured by condition.

- 6.26 The Council's Arboricultural specialist advised that the conifers would not be considered for protection as they are simply overgrown boundary hedging and to this end, and notwithstanding their maturity, no objection is raised to their loss. On this basis and having due regard to the impact of the existing street trees within the vicinity of site, retention of several remaining conifer trees to the front of the site and additional tree planting to its rear ensuring the proposal would retain a sufficiently landscaped setting, no objection is raised to the proposed removal of the conifer trees. An Arboricultural Impact Assessment including measures for tree protection during the construction phase as well as details of tree replacement can be required by condition.
- 6.27 The plans also detail the loss of willow and apple trees beyond the conifer tree screen. These trees do not appear to be of significant age and are not fully visible from the highway so on this basis, their amenity value is limited. The Council's Arboricultural specialist has no objection to their removal.
- 6.28 Overall, it is considered that the proposal is, on balance, acceptable in design and character terms and would integrate satisfactorily with the surrounding built form. Subject to conditions requiring submission of material details for all elevations, landscaping details and details of tree protection measures and tree replacement, the proposal is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 6.29 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 6.30 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage size. The proposal is for a two storey, four-bed (7-person) unit and the required size and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below:

	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3	Bedroom 4	Storage Area
Standard for Two-storey 4 bed 7-person	115	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	3m ²
Proposed Two-storey 4 bed 7-person	198	25m² W=4.3m	16.4m² W=2.8m	11.9m² W=3.3m	9.5m² W=2.8m	8m²

- 6.31 The table shows that the proposed dwelling would meet the overall minimum size and the bedroom minimum size and dimensions required by the NDSS. All habitable rooms would receive adequate daylight and sunlight. All habitable rooms would also have acceptable outlook.

- 6.32 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. The submitted plans show that the garden area to the rear of the proposed dwelling would provide an overall 300sq.m of amenity space. This is considered sufficient to meet the amenity needs of any future occupiers. The garden area would be sufficiently screened from public vistas and would be adequately distanced from adjacent buildings.
- 6.33 Policy DM8 states that accessibility for all new dwellings should be of a standard of Building Regulation M4(2). The application does not include any information on the accessibility of the proposed new 4-bedroom unit but regard is had to the provision of a bedroom at ground floor together with bathroom and kitchen facilities. Confirmation of this can be secured via a condition.
- 6.34 Facilities for refuse and cycle storage are not clearly shown on submitted plans but sufficient space with the site exists to ensure appropriate provision is made. A condition can be imposed to secure these.
- 6.35 Subject to the overall design of the cycle and bin store to be submitted and agreed by way of condition, no objection is raised on this basis. It is considered that the proposed dwellinghouse would provide appropriate living conditions for its future occupiers. It would therefore be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 6.36 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.37 The application site is bounded solely by No 5 Smallholdings to the west, with the buildings to be removed by some 8m. It is considered that the siting and separation distances to this neighbouring dwelling are such that the proposed dwelling would not result in a dominant or overbearing impact or result in unacceptable overshadowing or a harmful loss of light and outlook to neighbouring occupants. The absence of side windows to the west flank elevation of the proposed dwelling is such that the proposal is not considered to have a significantly harmful impact on neighbour privacy.
- 6.38 The proposed dwelling is sufficiently removed from any other neighbouring properties so as to not give rise to any harmful amenity impacts. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any relevant regards. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 6.39 The NPPF states (para 111) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 6.40 Policy DM15 states that dwellings with two or more bedrooms should be provided with a minimum of two car parking spaces and a minimum of one cycle parking space. The

EVCI SPD stipulates that car parking spaces are fitted with charging infrastructure.

- 6.41 The submitted plan demonstrates that a minimum of 2 No off-street parking spaces would be provided to the front garden area to be accessed via a new dropped kerb from Eastwoodbury Lane some 2.9m wide. This would satisfy the necessary policy requirements and Highways officers have raised no objection to the proposed parking and access arrangements.
- 6.42 Conditions can be imposed to satisfy the EVCI SPD requirements. Cycle parking would also be required by condition to be provided.
- 6.43 Subject to the described conditions the proposal is therefore acceptable and compliant with the relevant policies in these regards.

Energy and Water Sustainability

- 6.44 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. Policy DM2(iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting’.
- 6.45 No details have been submitted to demonstrate the proposal would provide 10% of the energy needs from renewable energy resources or that the water consumption would achieve the relevant limit. However, it is considered this could be dealt with by way of condition were the proposal otherwise acceptable. On this basis and subject to conditions, the proposal would be considered to be acceptable and policy compliant in the above regards.

Flooding and surface water drainage

- 6.46 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwelling would be built within undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be required by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Ecology

- 6.47 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...’*
- 6.48 A Preliminary Ecological Appraisal was carried out for the applicant in May 2023. The

survey states that no evidence was found on site for protected species, notably, badgers (and setts), slow worms or roosting bats. The Appraisal contains a series of mitigation measures and net biodiversity improvement measures. Parks have raised no objection subject to conditions to secure the recommendations of the relevant reports but also advised that additional biodiversity improvements should be sought.

- 6.49 Subject to such conditions, the development would be acceptable and policy compliant in these regards.

Local Ecological Assets - Recreational disturbance Avoidance Mitigation Strategy (RAMS).

- 6.50 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). 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.
- 6.51 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 in October 2020 requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 6.52 The applicant has made the relevant payment and the proposed development is therefore acceptable and compliant with the adopted RAMS Supplementary Planning Document SPD.

Equality and Diversity

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

Community Infrastructure Levy (CIL)

- 6.54 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 floor area of approximately 200sqm, which may equate to a CIL charge of £5,461.54 (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.

Conclusion

- 6.55 For the reasons outlined above the proposal is found to be, on balance, acceptable and compliant with the objectives of the relevant planning policies and guidance. The report summarises that the site forms Best and Most Versatile Agricultural Land but also that this Council has a significant deficit in housing land supply so the tilted balance in favour of sustainable development is engaged in this instance and should be applied when determining the application as required by paragraph 11 of the NPPF. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

7 Recommendation

- 7.1 **DELEGATE to the Director for Planning or the Development Control Service Manager to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 13 July 2023 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.**

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev 04; 002 Rev 05; 003 Rev 03

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

03 Notwithstanding the information submitted with the application, no development above ground level shall take place until full details of the materials to be used on all the external elevations of the dwelling hereby approved 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.

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

04 No development shall take place on site unless and until details of tree protection measures for both the adjacent street trees and those conifer trees to be retained to the site's frontage as shown on approved plan 002 Rev 05 have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with the National Planning

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

05 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a tree replacement plan shall be implemented and completed at the site in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The tree replacement plan shall include details of the locations, the heights and species of the trees to be planted, the treatment of the ground before planting and maintenance details. This shall be done at a minimum ratio of two additional trees for every one lost.

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

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

06 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, a soft landscaping scheme shall be implemented and completed at the site in full accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The soft landscaping scheme shall include details of the measures to enhance the biodiversity on site and details of the locations, numbers and species of other vegetation to be planted.

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

07 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented at the site solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The hard landscaping scheme shall include details of materials to be used on hardsurfacing and details of materials for the boundary treatment of the site, including boundaries within the site.

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

08 A scheme detailing how at least 10% of the total energy needs of the

development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

09 Prior to occupation of the development hereby approved water 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 shall be installed in the development hereby approved and be retained for the lifetime of the development .

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

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

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

11 Hours of construction works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

12 The car parking spaces for the dwelling shown on approved plan 001 Rev 04 shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. At least one of the parking spaces shall be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new dwelling.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy

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

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

Reason: To ensure the provision of adequate cycle, refuse and recycling storage in accordance with Policies DM3, DM8 and DM15 of Development Management Document (2015).

14 No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Any drainage infrastructure shall be installed in line with the approved details and maintained on site as approved thereafter.

Reason: To ensure the approved development does not increase flood risk on site or elsewhere in accordance with the National Planning Policy Framework (2021) and Core Strategy (2007) Policies KP1 and KP2.

15 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall be carried out in strict accordance with the mitigation measures outlined within the Preliminary Ecological Appraisal and Preliminary Roost Assessment issue 2 by MMEEnvironmental Ltd dated 23/05/2023.

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

16 Notwithstanding the information included with this application, no development above ground level shall be undertaken unless and until full details of biodiversity enhancement measures to be installed at the site have been submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall be provided in full prior to the first occupation of the development hereby approved and retained as such in perpetuity.

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

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments

to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

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 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) or the Council's website (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 will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

03 Please note that you are required to apply to the Highways Authority for separate consent to have a vehicular crossover installed in Eastwoodbury Lane.

04 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com