

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



## **1 Site and Surroundings**

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

## **2 The Proposal**

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

haze” Brett Beta blocks.

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

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

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

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

### **3 Relevant Planning History**

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

**Table 1: Relevant Planning History of the Application Site**

<b>Reference</b>	<b>Description</b>	<b>Outcome [Date]</b>
21/01853/FUL	<p>Remove non-functional rainwater culvert and erect a detached dwellinghouse on vacant land with amenity space at rear and relocate exiting vehicle crossover on to Rayleigh Road.</p> <p>The proposed development by reason of its mass, height, width, resulting overall scale and contrived design results in a bulky, incongruous form of development materially out of keeping with its context and harmful to the character and appearance of its surroundings. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).</p> <p>The proposed development would result in an undue sense of enclosure and a loss of outlook to the</p>	Refused 17.12.2021

	<p>neighbouring dwelling, No 581 Rayleigh Road which would be materially harmful to the amenities of the occupiers of that property. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).</p> <p>Insufficient information has been submitted to demonstrate that the proposed development would not be harmful to wildlife and that wildlife and biodiversity mitigation measures to protect species would be incorporated into the development. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).</p>	
22/00901/FUL*	<p>Erect a detached dwellinghouse on vacant land with amenity space at rear and relocate existing vehicle crossover on to Rayleigh Road (Amended proposal). Refused</p> <p>The site lies partially within flood zone 2 and adjacent to flood zone 3. The applicant has failed to demonstrate that the development will not result in significantly harmful increased flood risk to surrounding occupiers as a result of the proposed reduction in ground levels across the application site. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), and Policies KP1 and KP2 of the Core Strategy (2007).</p>	Refused 02.09.2022
	<b>53 Grovewood Avenue Eastwood Essex SS9 5EQ (Site some 140m south of application site)</b>	
20/00482/FUL	Demolish existing pumping station,	Granted 11.06.2020

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

## 4 Representation Summary

### Call-in

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

### Public Consultation

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

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

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

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

#### 4.3 **Parks**

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

#### 4.4 **Highways**

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

#### 4.5 **Environmental Health**

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

#### 4.6 **Essex County Fire Service**

No objection.

#### 4.7 **Environment Agency (EA)**

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

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

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

#### 4.9 **Essex Badger Protection Group**

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

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

## 5 **Planning Policy Summary**

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

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

## **6 Planning Considerations**

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

## **7 Appraisal**

### **Principle of Development**

- 7.1 The National Planning Policy Framework (NPPF) encourages effective use of land, in particular previously developed land. Policy CP8 of the Core Strategy requires that development proposals contribute to local housing needs and identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend.
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land

supply in the City and the most recent Market Assessment shows that the City needs a higher proportion of family units. The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would create an increase of one 4-bedroom dwelling which is a modest contribution to the housing supply of the City.

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

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

- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
- (ii) Conflict with the character and grain of the local area; or
- (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”

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

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

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

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

7.7 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.8 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between



buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.

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

### **Amenity Impacts**

- 7.13 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.14 In regard to policy DM3(2)(i) and the relevant design policies and guidance listed in Section 5 of this report a two-storey dwelling in this location as here proposed has been found through determination of the 2022 application and subject to conditions not to harm any neighbours' residential amenity in any relevant regards. No reasonable basis for changing that conclusion in respect of the current application has been identified.
- 7.15 Consistent with the conclusions in the previous 2022 application, (the report of which is appended as Appendix 1) subject to conditions restricting permitted development (PD) rights, the use of the flat roof areas and the provision of obscure glazing with limited openings to the side elevations and requiring the development to be undertaken in accordance with the construction method statement submitted, no objections to the proposed development are raised in regard to impacts on the amenities on neighbouring occupiers of the proposed development. No objection has been raised to the Construction Method Statement (CMS) submitted by Highways or Environmental Health. Subject to those conditions, consistent with the basis of decision on the previous application, the proposal is acceptable and policy compliant in the above regards.

### **Standard of Accommodation**

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

### **Traffic and Transportation Issues**

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

### **Sustainability**

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

### **Ecology, Biodiversity, HRA and RAMS**

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

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

- 7.24 The report makes recommendations including that site clearance is to be carried out under ecological supervision, a walkover survey of the site is to be undertaken following site clearance and at regular intervals after that to ensure badgers have not occupied the site before the project's conclusion, all workmen are to be fully briefed on the potential presence of badgers, all trenches/deep pits are to be securely covered overnight to stop any badgers from falling in and becoming trapped or a plant can be provided to allow a suitable means of escape with all trenches/pits inspected each morning in this respect. The storage of topsoil/soft building materials to be carefully considered and checked daily before work commences to ensure they have not be adopted as setts, chemicals shall be stored to ensure they cannot be accessed or knocked over by badgers, open pipework should be covered to prevent badgers becoming trapped and machinery should be operated by experienced people with fine control of excavators, etc.
- 7.25 The Council's Parks and Open Space service have not objected to the proposed development and have recommended conditions including mitigation measures including to protect badgers during construction.
- 7.26 Essex Badger Protection Group (EBPG) have objected to the application. They noted that for application 20/00482/FUL, which related to the land to the south of this site there was evidence of active badger setts in the embankments each side of the entrance path about 30m from the entrance gate in Rayleigh Road. The submitted plan 1697/ES1/D shows badger runs to the south of the application site. The EBPG state that the site forms part of a wildlife corridor for the area and refers to badger activity on other sites. These comments are noted, however, the EBPG do not specifically identify evidence of badger activity within the red line application site for the current proposal or any impacts outside the site which cannot be managed with suitable conditions.
- 7.27 It is considered that the information submitted by the applicant demonstrates that, subject to a condition requiring compliance with the requirements of the Badger Assessment, the proposal would not be harmful to badgers or other protected species and ecology more widely in line with policy DM3(2) (iv) and would not result in the loss of local ecological assets including wildlife habitats and significant or protected trees. Consistent with the findings of the 2022 application, the proposal is therefore acceptable and policy compliant in the above regards.
- 7.28 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and therefore development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. This payment has been made and the proposal is therefore considered to be acceptable and policy compliant in this regard.

### **Flood Risk and Drainage**

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

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

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

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

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

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

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

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

The design should be appropriately flood resistant and resilient by:

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

Access and escape plans must show:

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

The development should use SuDS for all:

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

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

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

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

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

7.36 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 188sq.m, which may equate to a CIL charge of approximately £5,134.28 (subject to confirmation).

### **Equality and Diversity Issues**

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

### **Conclusion**

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

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

## **8 Recommendation**

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

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

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

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

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

- 03 Construction works for the approved development on site shall only be undertaken between 8am to 6pm on weekdays, between 8am and 1pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.**

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

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

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

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

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

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

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

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

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

- 07 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

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

- 08 Prior to the first occupation of the development hereby approved water efficiency design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document

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

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

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

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

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

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

**Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).**

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

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

- 13 No drainage works associated with construction of the development hereby permitted shall commence unless and until full details of surface water attenuation for the site, based on Sustainable Drainage System (SuDS) principles,**



have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved details before it is first occupied, and any systems put in place shall be maintained for the lifetime of the development.

**Reason:** In order to ensure a satisfactory standard of sustainable drainage and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

- 14 The first floor flank windows in the west and east flank elevations of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is first occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, AA, B and E unless express planning permission has previously been obtained from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

Reason: To safeguard the visual amenities of the site and wider area and to ensure that the development remains safe in terms of flood risk and does not increase flood risk elsewhere as set out in National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

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

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

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

### **Informatives**

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

**2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.**

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

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

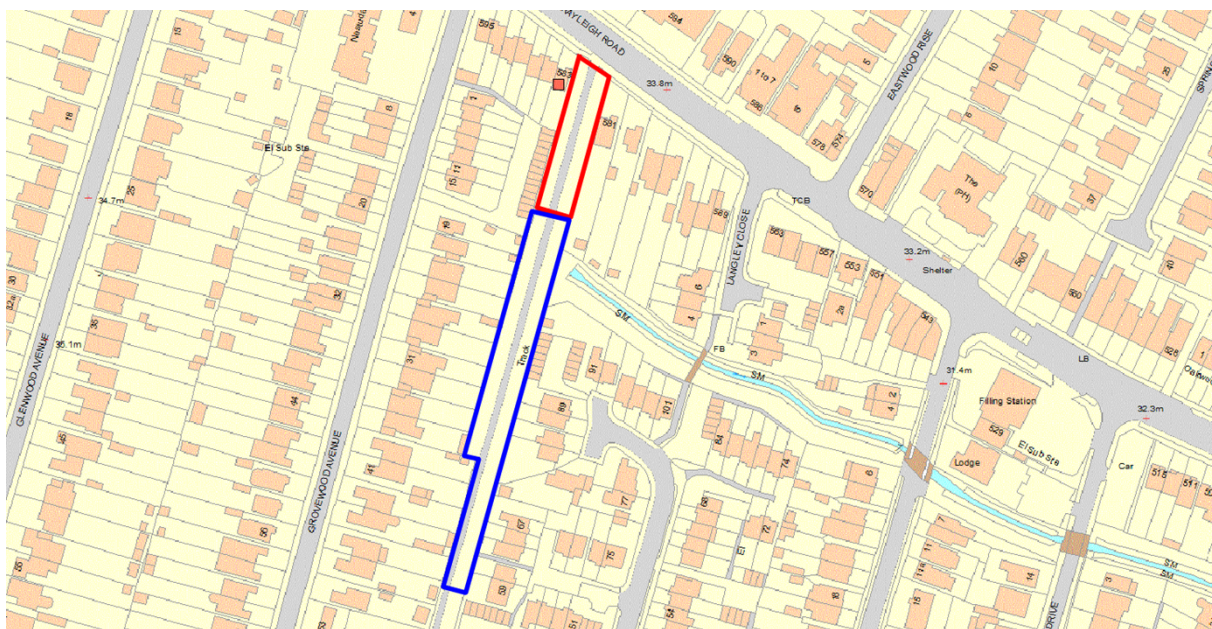
**5. Further to Condition 18 relating to site levels, the technical assessments are based on these site levels and should any amendments to the levels proposed be sought, the technical studies (FRA) would need to be amended and reconsidered accordingly.**

#### **Positive and Proactive Statement**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

## Appendix 1 Officer Report 22/00901/FUL

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



## 1 Site and Surroundings

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

## 2 The Proposal

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

*01 The proposed development by reason of its mass, height, width, resulting overall scale and contrived design results in a bulky, incongruous form of development materially out of keeping with its context and harmful to the character and appearance of its surroundings. This would be unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

*02 The proposed development would result in an undue sense of enclosure and a loss of outlook to the neighbouring dwelling, No 581 Rayleigh Road which would be materially harmful to the amenities of the occupiers of that property. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

*03 Insufficient information has been submitted to demonstrate that the proposed development would not be harmful to wildlife and that wildlife and biodiversity mitigation measures to protect species would be incorporated into the development. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

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

### **3 Relevant Planning History**

#### **Application site**

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

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

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

### **4 Representation Summary**

#### **Environmental Health**

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

#### **Parks**

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

#### **Highways**

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

#### **Essex and Suffolk Water**

- 4.4 No objection

#### **Essex County Fire Service**

4.5 No objection

#### **Cadent / National Grid**

4.6 No objection

#### **Environment Agency**

4.7 No objection

#### **UK Power Networks**

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

#### **Essex Badger Protection Group**

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

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

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

#### **Public Consultation**

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

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

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



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

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

## **5 Planning Policy Summary**

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

## **6 Planning Considerations**

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

## **7 Appraisal**

## **Principle of Development**

- 7.1 The National Planning Policy Framework (NPPF) encourages effective use of land, in particular previously developed land. Policy CP8 of the Core Strategy requires that development proposals contribute to local housing needs and identifies that the intensification of the use of land should play a significant role in meeting the housing needs of Southend.
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The HDT and 5YHLS weigh in favour of the principle of the development, particularly in light of the tilted balance in favour of sustainable residential development as required by paragraph 11 of the NPPF. The proposal would create an increase of one 4-bedroom dwelling which is a modest contribution to the housing supply of the City.
- 7.3 Policy DM3 of the Development Management Document seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification. At DM3 (2) the policy states that:
- “all development on land that constitutes Backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
  - (ii) Conflict with the character and grain of the local area; or*
  - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
  - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*
- 7.4 Regard is had to the position of the application site in a broadly sustainable location for development and on which the proposed development would duly conform to the prevailing land use around it. Site circumstances have not changed and consistent with the basis of decision on the previous application, and as discussed in more detail in the relevant sections of the report, the proposal would comply with the relevant criteria of policy DM3.
- 7.5 The site is located within flood zones 1 & 2 and would result in a more vulnerable use. The previous application was not refused on flood risk grounds and the principle of the development is acceptable in this respect
- 7.6 An ecology assessment has been submitted and this is discussed in more detail in the relevant sections of the report. It is found that the development of the site would be acceptable in principle subject to ecological mitigation measures, and this is considered in the detailed assessment below. The broad principle of the development of the site for housing therefore remains acceptable.

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

- 7.7 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 7.8 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 of the Development Management Document and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 7.9 Rayleigh Road has a mixed character however, this section has a residential character, with modest sized dwellings on fairly narrow plots with the front of dwellings set back from the highway with private gardens located at the rear. The proposed dwelling is a contemporary version of a traditional form of development with a shallow pitched roof and a projecting square front bay, with a front canopy above the door opening. The proposed development would be some 7.7m high, 11m wide and a maximum 13m deep. There would be a 4.2m gap from the main flank wall to the shared boundary to the east. The western flank elevation would be set 1m in from the western shared boundary.
- 7.10 Compared with the refused 2021 scheme, the proposed dwelling is reduced in width and height so reducing the bulk of the roof. A forward projecting bay would help to break up the mass of the frontage, and there is a greater degree of articulation in the building's front elevation. The scale and mass of the proposed development would not now be harmfully at odds with the general character of the immediate street scene.
- 7.11 Development in Rayleigh Road is angled away from the road. The footprint of the dwelling would be some 3m behind No.583, to the west and projecting some 6.5m beyond the rear of No.583 at ground floor and 3m at first floor. A cut back section at first floor level in the southwest corner is to mitigate the development's physical impact on the setting and outlook of No 583.
- 7.12 No 581 to the east is east is a chalet bungalow which is set back in its plot. The proposed development would be some 9.4m forward of that dwelling's front elevation. The changes to the design, reducing the width, roof form and ridge height would lessen the bulk of the proposed dwelling and given these factors, on balance, it is not considered that the proposed dwelling would appear as a dominant backdrop against No.581 and would not significantly harm the character or appearance of the streetscene.
- 7.13 Proposed materials include slate, brick and render. Slate is not a typical material in this area however the matter of materials can in any event be controlled by a condition of planning permission. Limited landscaping details have been submitted although a mature tree to the front of the site is shown as retained. There is no objection in principle to part hard-surfacing to the front. A condition can be attached to secure details of hard and soft landscaping.
- 7.14 A 1.2m wide pathway to the eastern side enables access to the blue lined area to the rear and this would be gated and not accessible to the public with new boundary treatments along its length. Representations received expressed security concerns over this matter however the site is currently gated, and the proposal would not result in conditions materially different to those which presently exist. Subject to conditions securing boundary treatments, the proposal would be acceptable in these regards. A condition specifically requiring a secured gated access for the land edged blue is not considered necessary or proportionate to the development under consideration The blue lined area does not part of the proposed development site. Any future development for adjacent land would be subject to separate planning control.

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

#### **Impact on Residential Amenity.**

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

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

**Standard of Accommodation:**

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

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

2. Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

3. Floorspace with a head height of less than 1.5 m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

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

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

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

6. Refuse Facilities:

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

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

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

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

## **Highways and Transport Issues:**

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

## **Sustainability**

- 7.28 Policy KP2 of the Core Strategy states, “All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources” and that “at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design. No details have been submitted however these can be secured by a planning condition. Subject to this, the development is acceptable in this respect.
- 7.29 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.’ Subject to a condition requiring the development to comply with this requirement, no objection is raised on this basis.

## **Flood Risk**

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

## **Impacts on Ecology**

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

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

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

### **Other matters**

#### **Equality and Diversity**

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

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

- 7.38 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and therefore development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. This payment has been completed and the proposal is considered to be acceptable and policy compliant in this regard.

#### **Community Infrastructure Levy**

- 7.39 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of

planning decisions. The proposed development includes a gross internal area of 188sq.m, which may equate to a CIL charge of approximately £4801 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

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

## **9 Recommendation**

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

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

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

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

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

- 03 **Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.**

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

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



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

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

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

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

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

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

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

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

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

- 09 Prior to occupation of the development hereby approved water efficiency design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.**

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

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

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

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

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

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

**Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021).**

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

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

- 14 No drainage works associated construction of the development hereby permitted shall commence unless and until details of surface water attenuation for the site, based on Sustainable Drainage System (SuDS) principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved details before it is occupied, and any systems put in place shall be maintained for the lifetime of the development.**

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

- 15 No development shall take place on site unless and until details of tree protection measures for the trees to be retained on site have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.**

**Reason: This pre-commencement condition is needed to safeguard trees on the site in the interests of the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).**

- 16 The first floor flank windows in the west and east flank elevations of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above the internal floor level of the room or area served before the development is occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.**

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

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any order revising or re-enacting that Order with or without modification, no development**

shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, AA, B and E unless express planning permission has previously been obtained from the Local Planning Authority.

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

- 18 No development shall take place on site, including any works of demolition, until and unless a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority under the provisions of this condition. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide, amongst other things, for:
- i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding
  - v) measures to control the emission of noise, dust and dirt during construction
  - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
  - vii) measures to mitigate noise impacts
  - viii) wildlife protection measures

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

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

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

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

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

means of escape.

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

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

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

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

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

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

**Reason:** To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

#### **Informatives**

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

2. You should be aware that in cases where damage occurs during construction

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

3. Please note that UK Power Networks has equipment within the area to be developed. You are advised to contact UK Power Networks to discuss how the Company's requirements can be incorporated within the development.

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

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

#### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.