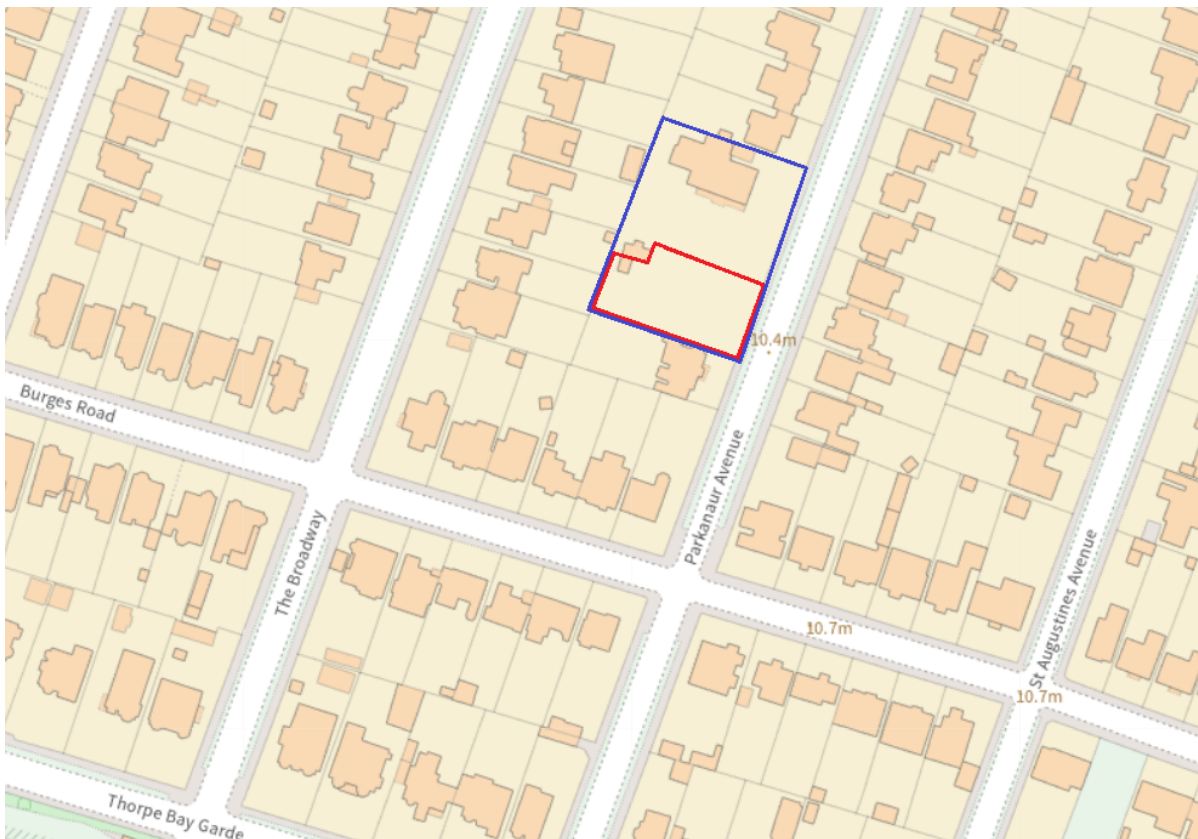


+Reference:	23/01708/FUL	
Application Type:	Full Application	
Ward:	Thorpe	
Proposal:	Erect two storey detached dwellinghouse on land adjacent 29 Parkanaur Avenue with garage to side and vehicular access onto Parkanaur Avenue (amended proposal)	
Address:	29 Parkanaur Avenue, Thorpe Bay, Essex, SS1 3HX	
Applicant:	Peter Emptage	
Agent:	Peter Emptage of EAV2 Architects	
Consultation Expiry:	30th November 2023	
Expiry Date:	2nd February 2024	
Case Officer:	Hayley Thompson	
Plan Nos:	Location plan, P:01D, P:02D, P:03C, P:04 C, P:05 C, P:06 C, P:07C, P:08C, P:09C, P:10C, P:11C	
Supporting Documents	Design and Access Statement, Arboricultural Impact Assessment dated April 2023, Pool Plant Room information dated January 2024	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1. Site and Surroundings

- 1.1. The site is occupied by a detached two-storey dwellinghouse to the west of Parkanaur Avenue. The application plot is substantially wider than any neighbouring plot within the immediate vicinity. It has a swimming pool and pool house to the side of the dwelling. The surrounding area is residential in nature comprising a variety of dwellings of varying scale, form and design. The existing site has a mature hedge to the front and contains numerous trees that are visible from the streetscene.
- 1.2. The site is not within a conservation area or subject to any site-specific planning policy designations.

2. The Proposal

- 2.1. Planning permission is sought to erect a detached, two-storey dwellinghouse with accommodation at ground and first floor level. The proposed hipped roofed dwelling is largely rectangular and comprises a central block with a hipped roof projection and two-storey side additions of varying heights, which are set back from the main frontage. A further projection, containing a garage with accommodation within the roof, is proposed to the southern side elevation. A storm porch is proposed to the front elevation. The main roof ridge will be 9.1m high and 5.1m to eaves. The dwelling would have an overall width of 20.75m and maximum depth of 9.6m. A separation of 1.2m would be retained to the southern flank boundary and 1.4m to the northern flank boundary.
- 2.2. The dwelling would comprise four bedrooms at first floor level, one of which would have an en-suite. Two additional bathrooms are proposed at first floor and one WC at ground floor. The roofspace is annotated as potential expansion space.
- 2.3. The dwelling would have a gross internal area of some 301.2sqm. A garden area of some 510sqm would be located to the rear. Off street parking would be available to the front and it is proposed to install a 3.65m vehicle crossover and access from Parkanaur Avenue. Soft landscaping to the front garden is also shown, although no specific details have been provided. A section of boundary hedge, to accommodate the crossover, and 14 trees to the front boundary to the east would be removed.
- 2.4. No specific details of waste or cycle storage have been provided.
- 2.5. Materials proposed include render and with brick detailing and grey roof tiles.
- 2.6. This is an amended proposal following the refusal of application reference 23/00286/FUL. The main differences between the applications relate to the size of the projection on the southern elevation forming a garage, which has been reduced in width by 2.45m from 6.65m to 4.2m and has been altered in scope from a double garage to a single garage. An in and out driveway with two new vehicular crossovers was previously proposed, a single access is now proposed and one crossover has been removed from the proposal.

3. Relevant Planning History

- 3.1. 21/00492/PREAPF - Erect 3 storey dwelling with integral garage and vehicular access onto Parkanaur Avenue – Pre application advice provided.

- 3.2. 23/00286/FUL - Erect two storey detached dwellinghouse on land adjacent 29 Parkanaur Avenue with garage to side and vehicular access onto Parkanaur Avenue – Refused.
- 3.3. The above application was refused for the following reasons:

01 The proposed development, by reason of the excessive size and scale, and the design of the proposed garage would result in a contrived, dominant and incongruous form of development which would be at odds with character of the proposed dwelling and the immediate streetscene causing significant harm to the character and appearance of the site, the streetscene and the wider area. The principle of this proposal is therefore unacceptable. This would be unacceptable contrary to 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), the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposed development would result in the loss of the planted verge to the front of the application site which would be detrimental to the character and appearance of the street scene. Further, the loss of planted verge has not been reasonably justified and would result in the loss of an important ecological asset. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2006), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2015).

03 The proposal offers no reasonable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (2020). This is unacceptable and contrary to the RAMS Supplementary Planning Document (2020), Policies KP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM6 of the Development Management Document (2015) which seek to protect the natural environment with specific reference to the coastal habitats.

4. Representation Summary

Public Consultation

- 4.1. 14 neighbouring properties were consulted and a site notice was displayed. 1 letter of representation has been received. Summary of objections:
- Trees along the boundary have been removed
 - Concerns about overlooking

[Officer Comment: There is no clear evidence that trees have been removed from within the site. All relevant planning considerations have been assessed within the appraisal section of the report. The points of objection are not found to justify refusing planning permission in the circumstances of this case.]

Highways

- 4.2. No objection. The applicant will be required to apply to highways to carry out the construction works and will be required to fund a trial pit to ascertain if a crossover can be accommodated.

Essex County Fire & Rescue Service

- 4.3. No objection.

Environmental Health

- 4.4. No objection subject to conditions regarding construction management, contamination and refuse and recycling and submission of a noise impact assessment for existing pool plant equipment.

Arboricultural Officer

- 4.5. No objection.

Parks

- 4.6. No objection subject to a condition for soft landscaping and biodiversity enhancements. Objection is raised to the loss of planted verge and it is possible that mitigation will be required, in line with the Council's vehicle crossover policy and tree policy.

5. Procedural Matters

- 5.1. This application has been called into Development Control Committee by Cllr Woodley.

6. Planning Policy Summary

- 6.1. The National Planning Policy Framework (NPPF) (2023)
- 6.2. Planning Practice Guidance (PPG) (2023)
- 6.3. National Design Guide (NDG) (2021)
- 6.4. Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP7 (Sport, Recreation and Green Space), CP8 (Dwelling Provision)
- 6.5. Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 6.6. Southend-on-Sea Design and Townscape Guide (2009)
- 6.7. National Housing Standards (2015)
- 6.8. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.9. Waste Storage, Collection and Management Guide for New Developments (2019)

- 6.10. Electric Vehicle Charging Infrastructure for new development (2021)
- 6.11. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.12. The Southend-on-Sea Vehicle Crossing Policy and Application Guidance (2021)
- 6.13. Southend-on-Sea Tree Policy 2020-2030 (2020)

7. Planning Considerations

- 7.1. The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity, standard of accommodation, any traffic and transport issues, flooding considerations, sustainability, RAMS, CIL and whether the application has overcome the previous reasons for refusal.

8. Appraisal

Principle of Development

- 8.1. Paragraph 123 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 8.2. Para 128 of the NPPF states: "Planning policies and decisions should support development that makes efficient use of land, taking into account:
 - a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed and beautiful, attractive and healthy places
- 8.3. The figures of the Housing Delivery Test (HDT) and the Five-Year Housing Land Supply (5YHLS) show that there is a significant need for housing 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 South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of 1-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 8.4. The site is located within the built-up area and in reasonable proximity to services and transport links. This is a relatively sustainable general location for development which conforms to the prevailing land use around it. The development would add to the supply

of family dwellings. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. The proposed dwellinghouse would be a four bed, eight-person unit which could be suitable for families. There is greater need for this type of housing as identified by the SESHMA.

- 8.5. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise, although it should also be noted that a scheme for this small net quantum of housing would have limited effect on the overall supply of housing.
- 8.6. Policy DM3(2) requires that all development on land that constitutes backland or infill development will be resisted where the proposals will:
- (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.
- 8.7. This proposed development is considered to constitute an infill site. The streetscene is mixed in terms of scale and design with mainly two-storey detached dwellings on the eastern side of Parkanaur Avenue and mainly chalet and bungalow dwellings on the western side. The existing site is significantly larger than surrounding sites and the reduction in plot size of the host dwelling and that created for the new dwelling would not be at odds with the character and setting or grain of the local area.
- 8.8. As discussed in the relevant sections of the report, the proposal would not be detrimental to residential amenity, nor would it result in unusable amenity space.
- 8.9. The proposed development would result in the loss of existing soft landscaped undeveloped land within this site comprising mainly maintained grass with some shrub and tree planting. A soft landscaped garden would be retained to the front and rear of the new dwelling as part of the development. The proposal would result in the loss of local ecological assets including a modest section of boundary hedge, trees within the site and along the front boundary and part of the planted shrub verge to construct the vehicle crossover. As discussed in the relevant section of report, this matter can be reasonably dealt with by conditions requiring suitable replacement replanting.
- 8.10. On this basis, and subject to other material planning considerations which are discussed below, the principle of the development is acceptable and policy compliant. This conclusion is consistent with findings for application reference 23/00286/FUL.

Design and Impact on the Character of the Area

- 8.11. 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.

- 8.12. Local development plan policies and guidance 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.
- 8.13. The National Design Guide notes that context including the grain of development, landscaping and the natural environment are important aspects of place and good design. Well-designed new development is integrated into its wider surroundings and responds positively to its context.
- 8.14. No.29 Parkanaur Avenue sits in a plot enclosed by a frontage wall, fence and mature hedge. The dwelling and its plot's perceived spaciousness plus its mature hedge contribute positively to local character. Equally the plot on which No.29 sits is significantly larger than those of the immediate and nearby properties. The proposal would rely on dividing that comparatively spacious plot to create a new detached dwellinghouse between No.29 Parkanaur Avenue to the north and No.17 to the south. The streetscene is mixed in terms of the size, scale and form of the dwellings, with detached two-storey, chalet and bungalow dwellings such that the two-storey height of the proposed dwelling is not considered to be out of keeping with the immediate neighbouring dwellings or the wider surrounding area. The proposed dwelling would be 20.75m wide, so occupying almost the full width of the 23.35m wide development plot, but would retain a separation distance to each flank boundary of over 1m and which, coupled with the built form, would not appear cramped within its plot. The remaining plot at No.29 Parkanaur Avenue is considered to be acceptable and would be some 35m wide.
- 8.15. The overall design approach is considered to be consistent with prevailing development in the locality, including hipped roofs with two-storey front and side projections. The proposal is therefore considered as an acceptable design approach including respect for the local urban grain and the increased density represented by having two houses on one formerly spacious plot and is not considered to compromise local character including the appearance of the streetscene.
- 8.16. The first reason for refusal of application 23/00286/FUL related to the double garage proposed on the southern side of the dwelling which was considered to be an overscaled, dominant and incongruous feature. The garage has been reduced in width and consequently scale, to now form a single garage. The resulting development would reflect the built form of garages found in the immediate locality and the relationship of this element of the built form to the flank boundary and the setting of the development within its site would now be acceptable. That reason for refusal is therefore considered to be overcome.
- 8.17. External materials locally are mixed, but mainly comprise of brick, render and red/brown roof tiles. The proposed external materials would be consistent with the character of the area. It is appropriate that full details of external materials are secured by condition in the interest of visual amenity.
- 8.18. Paragraph 173 of The Design and Townscape Guide under the heading of Crossovers states that "new crossings and hardstandings should not result in the loss of street trees or planted verges unless they can be replanted within the vicinity."

- 8.19. The application site is within a long, tree lined avenue which, in the southern part in particular, is characterised by dwellings with pleasant, landscaped frontages with a mixture of off-street parking, generous soft landscaping and low brick walls. The application site has a 23.35m frontage. Some 3.65m of boundary hedge would be removed to allow for the construction of the proposed crossover. An Arboricultural Impact Assessment has been submitted with the application which has advised that 14 trees out of 25 trees from within the site would be removed in order to facilitate the development. None of the trees within the site are protected. The trees that are proposed to be removed are situated along the northern and eastern (front) boundary of the site. All of the trees are category C trees, (i.e. trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm). Many of the trees are small in scale, such as fruit trees and cypress trees, and some of which are in poor condition with decay present. Two of the cypress trees, which are located in the area of the proposed crossover are of reasonable form and condition, however, overhead wires presently pass through the top of the trees. A cypress tree to the front of the site is of low vitality and is presently growing through the centre of the hedge. Larger trees to the rear boundary of the site, of better form and quality, are being retained within the proposal and which act as a form of screening of the site from the rear in the Broadway. While the loss of the section of boundary hedge and trees within the site to facilitate the development is a negative aspect of the proposal, no objection is raised to their removal on the basis that the removed trees currently make a modest contribution to public amenity and ecology plus the proposed site layout would allow for a suitable amount of soft landscaping and retained and replacement tree planting with associated ecological benefits and which can be reasonably secured through condition.
- 8.20. Tree protection measures are proposed to protect the category B (i.e. - trees of moderate quality with an estimated remaining life expectancy of at least 20 years) silver birch street tree and a category B magnolia tree which is situated outside of the proposed site on the northern boundary.
- 8.21. It is proposed to install a single vehicle crossover to access Parkanaur Avenue. The previous refused application 23/00286/FUL included two vehicular crossovers. The proposed crossover would result in the loss of a 3.65m section of mature planted shrub verge to the front of the site. A mature silver birch street tree would be retained. The mature planted verge along Parkanaur Avenue is a characteristic and attractive feature of the streetscene and has an important role in softening the appearance of the street and provides a potential habitat for wildlife. Loss of such verges should normally be avoided where possible and loss of the planted verge and hedging would harm the character and appearance of the street scene. Two factors have been taken into account in this particular case. Firstly, if the principle of using this site beneficially to provide additional housing for the City is accepted, the circumstances of this site are such that any new dwelling created on it would reasonably require a break created somewhere within this existing verge in front of the site to provide the necessary access point to the on-site parking required to meet minimum parking standards. Secondly, this proposal creates a large family sized dwelling to which due weight must be given. Summarising, paragraph 11 (d) of the NPPF says that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date which includes where the LPA cannot demonstrate the required housing land supply, as is the case for this City, the LPA should grant permission unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 8.22. On balance, it is considered that the identified harm is in this case outweighed by the need for family dwellings. Furthermore, here, the applicant is amenable to a planning condition, sought by the Parks Service requiring the applicant to fund the planting of a tree within the City. On this basis the application would overcome reason for refusal 02 of application 23/00286/FUL.
- 8.23. On the above basis, and subject to the stated conditions, the character and appearance impacts of the proposed development are acceptable and policy compliant in this regard.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.24. Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 8.25. Paragraph 135 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-bed, 8-person dwelling shall be 124sqm.
 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. At least one bedroom shall be double for properties with more than one bedroom.
 3. Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 4. Provision of internal storage of 2.5sqm.
- 8.26. Weight should also be given to the additional requirements of policy DM8 including:
1. Amenity: Suitable space should be provided for private outdoor amenity, where feasible and appropriate to the scheme.
 2. Suitable, safe cycle storage with convenient access to the street frontage.
 3. Refuse Facilities: Storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906:2005 Code of Practice for waste management in Buildings.
 4. All new dwellings to meet Building Regulation M4 (2).

- 8.27. The proposed dwelling, some 301sqm, exceeds the minimum size standard. There is at least one double bedroom proposed and all bedrooms would meet the space standard for their proposed occupancy. The dwelling would have a satisfactory standard of accommodation. All habitable rooms would offer acceptable levels of outlook and light except for the bedroom above the garage which would only be served by one rooflight, which is a moderate negative aspect of the proposal. This is a non-principal room and this proposed arrangement is not found to justify a reason for refusal when considered in isolation or within an overall balanced assessment.
- 8.28. Policy DM8 states that all new dwellings should meet the requirements of M4 (2) of the Building Regulations. The application does not include any information on the accessibility of the proposed dwelling. The proposed floorplans indicate that a WC is provided at ground floor level, this could be converted into a washroom and there is a separate office to the main living areas that could be converted into a bedroom. The floorspace is generous and the proposed dwelling is considered capable of meeting the criteria of building regulation M4 (2) which can be secured by condition.
- 8.29. Details of refuse and recycling bin storage are not shown, however, the quantum of development does not require a bespoke provision of waste storage facilities according to the Waste Storage and Management Guidance which states that residential development for up to five units is expected to utilise the Council's kerbside sack collection scheme. To ensure acceptable living conditions for future occupiers, a condition to secure the provision of external waste and recycling storage arrangements is proposed.
- 8.30. The proposed new dwelling would be located in close proximity to a pool plant room that is associated with No.29. Limited details have been submitted with the application regarding the plant room and the Environmental Health service has commented that plant equipment associated with swimming pools can generate noise and be operated 24 hours a day, 7 days a week. In this regard it is important to ensure that noise generated from the plant room does not negatively impact the amenity of future occupiers either internally within the dwelling or within the private amenity area to the rear. It is considered necessary that a noise impact assessment is undertaken and any appropriate mitigation measures implemented prior to occupation, in order to overcome these concerns. This can be secured by condition.
- 8.31. On the whole, the proposal would provide a good standard accommodation and would result in acceptable living conditions for future occupiers. Subject to the stated conditions, the development is considered acceptable and policy compliant in respect of living conditions.

Impact on Residential Amenity

- 8.32. 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.
- 8.33. The proposal is at least 44m from neighbouring dwellings to the rear in the Broadway and some 17.5m from the existing dwelling at No.29 Parkanaur Avenue to the north,

which is sufficient to prevent harm with regards to any dominant or overbearing impacts or loss of light.

- 8.34. Due to the separation distance to dwellings in the Broadway, it is not considered that harmful overlooking would occur. The proposed dwelling would contain a first floor bedroom window to the flank elevation facing the existing dwelling at No.29. The window would face towards habitable rooms in the flank of No.29 and towards its garden areas. As there are front facing windows serving this bedroom, it is reasonable to secure obscure glazing to this window to preclude harmful overlooking and mitigate privacy concerns. A condition is recommended.
- 8.35. The development would be situated 1.2m from the southern adjoining boundary with No.17 Parkanaur Avenue and a separation distance of 2.7m would be maintained from the flank wall of this neighbouring dwelling. The two-storey side element of the proposal containing the garage is located on the southern side of the site closest to No.17. It has a low eaves height of 2.7m and maximum height of 6.15m, some 5.2m from the adjoining boundary. The proposed dwelling does not project beyond the rear elevation of No.17. No.17 contains single storey built form along the southern boundary with no ground floor flank windows facing the application site. It has one flank window at first floor level. On the balance of probability, due to its position this first floor window is assessed as serving a non-habitable room and it is not considered that the development would significantly harm the amenities of occupiers on No.17 in any relevant regards.
- 8.36. The proposed dwelling is sufficiently removed from any other neighbouring properties such that it would not significantly harm their amenity in any relevant regards.
- 8.37. It is considered that adequate amenity space would be retained within the boundary of No.29 following the proposed development.
- 8.38. The proposal would not cause any material harm to any neighbouring occupiers from dominant impacts, loss of outlook, a sense of enclosure, overlooking or loss of light. Subject to conditions, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard.

Permitted Development

- 8.39. Paragraph 54 of the NPPF states "...planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so." Given the proposed built form's relationship to neighbouring properties, it is considered reasonable and necessary to restrict permitted development rights for this proposal via condition, to enable the Council to fully assess the impact of any future extensions and additions to this dwelling which may otherwise cause potential harm to neighbouring amenity or the character of the area.

Traffic and Transportation Issues

- 8.40. The NPPF states (paragraph 115) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 8.41. Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and

environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.” The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards (minimum 2 spaces). The EVCI SPD requires at least one car parking space is provided with active electric vehicle charging infrastructure.

- 8.42. Parkanaur Avenue is not a classified road and the proposal’s associated off-street provision would not significantly harm on street parking provision in this area. The Vehicle Crossing Policy and Application Guidance sets out a vehicular crossover minimum parking area which must be equal to or greater than 2.4m by 4.8m to enable a vehicle to be parked wholly within the front curtilage. The proposed parking area exceeds the guidance requirement. The development would provide a garage measuring 7m by 3.6m internally and so would meet the Council’s minimum dimensions to provide a parking space for one vehicle. The frontage of the site would provide additional off street parking. On site parking in accordance with the relevant standards would be provided for the retained host dwelling No 29. The Council’s Highway Engineer raised no objections to the proposal.
- 8.43. In line with the Council’s EV charging policy for new dwellings, a condition can be attached requiring at least one parking space to be fitted with an EV charging point.
- 8.44. Covered and secure cycle parking can be secured by condition.
- 8.45. It is considered that subject to conditions, the development would provide adequate off-street parking for its needs and would not harm highway safety or parking conditions of the area. As such the proposal is acceptable and policy compliant in this respect.

Flooding and surface water drainage

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

Energy and Water Sustainability

- 8.47. 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.
- 8.48. No specific details have been submitted to indicate that the 10% policy requirement can be met. However, it is considered that the requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the area. This

aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard subject to conditions.

Recreational disturbance Avoidance Mitigation Strategy (RAMS).

- 8.49. The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 8.50. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD) which was adopted by Full Council in October 2020 requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 8.51. The applicant has made the relevant payment and the proposed development is therefore acceptable and compliant with the adopted RAMS Supplementary Planning Document (SPD). This overcomes the third reason for refusal of application 23/00286/FUL.

Equality and Diversity

- 8.52. 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.

Community Infrastructure Levy (CIL)

- 8.53. 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 is situated in CIL charging zone 3 and includes a gross internal floor area of approximately 301.2sqm, which may equate to a CIL charge of £26,482.43 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Conclusion

- 8.54. For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. This proposal creates new housing.

The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The proposal would make a contribution to the housing needs of the City which must be given increased weight in the planning balance. The proposal has overcome the three reasons for refusal for application reference 23/00286/FUL. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

9. Recommendation

GRANT PLANNING PERMISSION subject to conditions:

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

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, P:01D, P:02D, P:03C, P:04 C, P:05 C, P:06 C, P:07C, P:08C, P:09C, P:10C, P:11C.**

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

- 03 Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place unless and until full details and/or samples of the materials to be used on all the external elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and completed in accordance with the approved details.**

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

- 04 No development above ground level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not be limited to:-**

- i. means of enclosure of the site including any gates or boundary fencing;**
- ii. hard surfacing materials;**
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and;**
- iv. details of measures to enhance biodiversity within the site.**

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

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

- 05 The approved vehicular crossover shall not be implemented unless and until a scheme for compensatory planting of a standard size tree within the City has been submitted to and approved in writing by the Local Planning Authority. The approved crossover shall not be implemented until the Local Planning Authority has received confirmation that the compensatory measures so agreed have been implemented in accordance with the approved details.**

Reason: In the interests of visual amenity and to ensure that the development provides adequate mitigation for the loss of planted verge at the site in accordance with Policy CP7 of the Core Strategy (2007).

- 06 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 within the Southend-on-Sea Design and Townscape Guide (2009).

- 07 Prior to occupation of the development hereby approved water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd 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 (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 08 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 dwelling hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 09 No drainage infrastructure associated with the development hereby approved is to be installed unless and until full details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved by the Local Planning Authority under the provisions of this condition. The development shall be carried out in accordance with the approved details before it is first occupied.**

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 (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

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

Reason: In the interests of the residential amenity of the adjoining and nearby residents and to ensure that the development complies with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 11 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy 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 dust, dirt, mud being carried onto the road and noise during construction**
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.**
- viii) details of the duration and location of any noisy activities.**

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 12 At least two parking spaces for the dwelling hereby approved shall be provided and made available for use at the site consistent with the details shown on plan number 02 Revision D prior to the first occupation of the dwelling hereby approved. One of the parking spaces shall be fitted with an active electric vehicle charging point prior to first occupation of the dwelling. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the**

occupiers and visitors to the new dwelling.

Reason: To ensure that satisfactory off street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

- 13** Notwithstanding the information submitted with this application, prior to the first occupation of the development hereby approved, full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority identifying the provision of secure and enclosed refuse, recycling and cycle storage for the approved development at the site. The approved refuse, recycling and cycle storage shall be provided in full and made available for use by the occupants of the approved dwelling prior to the first occupation of the dwelling hereby approved and shall be retained as such for the lifetime of the development.

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and DM15, and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009), and the Waste Storage, Collection and Management Guide for New Developments (2019).

- 14** The first floor window in the northern flank elevation of the development hereby approved, shall be permanently obscure-glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and non-opening, unless the parts of the window which can be opened are more than 1.7metres above the finished floor level of the room in which the windows are installed and shall be retained as such in perpetuity.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 15** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revising or re-enacting that Order with or without modification, no development shall be carried out on the dwellinghouse hereby approved within Schedule 2, Part 1, Classes A, AA and B.

Reason: To safeguard the residential amenity of the adjoining residents in accordance with the National Planning Policy Framework (2023), 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).

- 16** Prior to the first occupation of the development hereby approved, a noise impact assessment shall be conducted and a report of its findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority,

under the terms of this condition, to demonstrate how noise generated by existing pool plant equipment in the boundary of No.29 Parkanaur Avenue will be mitigated to protect the future occupiers of the application site. This assessment shall be prepared by a competent person and shall include details of any necessary mitigation measures which shall then be agreed and incorporated at the site prior to first occupation of the dwelling hereby approved and shall be maintained thereafter for the lifetime of the development.

Reason: To protect the environment of people in the development and general environmental quality in accordance with 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).

- 17 The development hereby approved shall be carried out from its outset solely in accordance with the tree protection measures and recommendations outlined in the Arboricultural Impact Assessment REF: SHA 1644 AIA dated April 2023 in order to protect trees within the site and existing silver birch street tree in front of the site. The agreed protection measures shall be implemented for the duration of the construction works.

Reason: This pre-commencement condition is needed to safeguard the existing trees on site and the street tree and to protect their contribution to the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2023), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

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.

Informatives:

1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the

chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the [the Planning Portal \(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy\)](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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 advised that they are required to apply to the Highways Authority for separate consent to have a vehicular crossover installed.
4. **Construction outside of normal hours**
If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If Regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

5. Overheating and Noise Protection

Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires a overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.

6. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974.

Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER'.