

<b>Reference:</b>	22/00459/BC3
<b>Application Type:</b>	Borough Council Regulation 3
<b>Ward:</b>	Blenheim Park
<b>Proposal:</b>	Layout hardstanding to front and form vehicle crossover onto Norfolk Avenue for disabled access
<b>Address:</b>	3 Norfolk Avenue, Leigh-on-Sea, Essex, SS9 3HA
<b>Applicant:</b>	Mr Dave Halladay
<b>Agent:</b>	Mr Dave Halladay of Southend Borough Council
<b>Consultation Expiry:</b>	23rd March 2022
<b>Expiry Date:</b>	6th June 2022
<b>Case Officer:</b>	Hayley Thompson
<b>Plan Nos:</b>	<b>Location plan, Existing site plan, 1996/01</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## 1 Site and Surroundings

- 1.1 The site is located to the west of Norfolk Avenue and contains a terraced building comprising 4 flats with one existing vehicular crossover for use by flat number 1. The application site is located within a residential area and there are examples of vehicular accesses of varying widths nearby within the streetscene with hardstanding to the front. There is a public footpath and a grass verge located between the frontage and the road.
- 1.2 Norfolk Avenue is not a classified road. The site is not located within a conservation area or subject to any site-specific planning policy designations.

## 2 The Proposal

- 2.1 Planning permission is sought to create a vehicular access onto Norfolk Avenue at a width of 4.25m and to lay hard standing to the front garden to measure 6.5m wide and 3.6 deep to allow for the off-street parking for one vehicle serving the ground floor flat, for the purpose of providing improved disabled access. The hardstanding would be formed of 'grasscrete' and surface water would drain to a green and gravel border.

## 3 Relevant Planning History

- 3.1 None.

## 4 Representation Summary

### 4.1 Highways & Transportation

No objection.

### Public Consultation

- 4.2 16 neighbouring properties were consulted and one letter of representation was received. Summary of objections:
- The proposed crossover would remove on street parking spaces and cause parking stress
  - Concerns that a lot of vehicles park in Norfolk Avenue and for fire safety

**[Officer Comment:** All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted, and they have been taken into account in the assessment of the application however, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

## 5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021).
- 5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), and DM15 (Sustainable Transport Management).

- 5.4 The Southend on Sea Vehicle Crossing Policy and Application Guidance (2021).
- 5.5 Design & Townscape Guide (2009).
- 5.6 CIL Charging Schedule (2015).

## **6 Appraisal**

### **Principle of Development**

- 6.1 Vehicular crossings are considered acceptable in principle, providing that highway safety is not adversely affected, and there is no adverse impact on the character of the surrounding area or residential amenity.

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

- 6.2 Paragraph 126 of the National Planning Policy Framework (NPPF) states that, *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 6.3 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 6.4 Paragraph 173 of the Design and Townscape Guide (2009) 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.”* The proposed development would result in the removal of a small area planted verge, however, as planted verge occupies a significant section along the western side of Norfolk Avenue, it is not considered that the proposed development would be of significant detriment to the character and appearance of the application site, the streetscene or the wider area. The proposal is therefore acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 6.5 Policy KP2 seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 6.6 Policies DM1 and DM3 seek to support sustainable development that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including noise and disturbance, visual enclosure and pollution.
- 6.7 The proposal would result in vehicular comings and goings in proximity to neighbouring dwellings along Norfolk Avenue. The hardstanding is to be situated outside of the dwelling of the occupier, at ground floor level, and therefore will have a limited impact on the amenity of occupants at first floor level. The crossover would not impact upon access to the entrance of the flats. Due to the nature of the development, it is not considered that the proposal will result in any significantly harmful impact on the amenities of the

surrounding residential occupiers. The impact of the proposal on residential amenity is therefore acceptable and policy compliant.

### **Traffic and Transportation Issues**

- 6.8 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards. The Southend on Sea Vehicle Crossing Policy and Application Guidance is a material consideration.
- 6.9 Norfolk Avenue is not a classified road, and the proposal would result in the gain of one off-street parking space while losing one on-street parking space. The Vehicle Crossing Policy & Application Guidance sets out a vehicular crossover minimum parking area which must be equal to or greater than 2.44m by 4.8m when parked at a right angle to the footway and 2.6m by 6.5m when parked parallel to the footway to enable a vehicle to be parked wholly within the front curtilage. The proposed parking area meets the guidance requirement for one vehicle when parked parallel to the footway and it is also noted that the Highways Team have raised no objection to the proposal.
- 6.10 The proposal's impact on highway and pedestrian safety is therefore acceptable and policy compliant.

### **CIL**

- 6.11 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

### **Equality and Diversity Issues**

- 6.12 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**

- 6.13 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

## **7 Recommendation**

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

- 01 The development hereby permitted shall begin no later than three years from 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 solely in accordance with the following approved plans: Location plan, Existing site plan, 1996/01.**

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

#### **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.**

#### **Informative**

- 01 You are advised that as the proposed alterations to your property do not result in new floorspace and the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.**
- 03 The applicant is advised that they are required to apply to the Highways Authority for separate consent to have a vehicular crossover installed.**