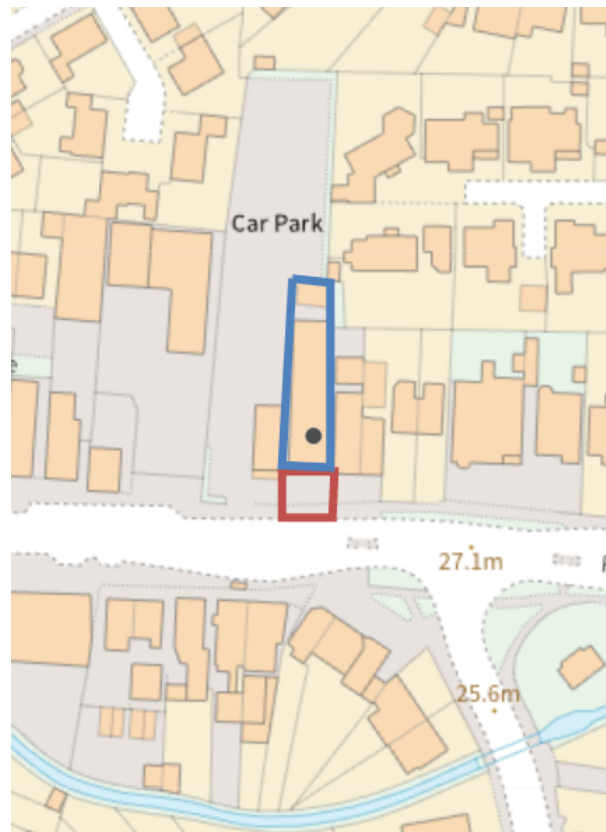


Reference:	23/00342/FUL	
Application Type:	Full Application	
Ward:	Eastwood Park	
Proposal:	Install new vehicle crossover onto Rayleigh Road	
Address:	358 Rayleigh Road, Eastwood, Essex, SS9 5PU	
Applicant:	Mr S. Miah	
Agent:	Mrs Stamatia Exarchea of DSB Property Designs Ltd	
Consultation Expiry:	25 th May 2023	
Expiry Date:	2 nd June 2023	
Case Officer:	Gabriella Fairley	
Plan Nos:	2023/02/358RR Sheet 01 of 02 (Rev B), 2023/02/358RR Sheet 02 of 02 (Rev B)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site on the north side of Rayleigh Road, contains a hardsurfaced frontage to the front of a two-storey detached building which is used as a restaurant at ground floor and a residential flat at first floor. A number of neighbouring and nearby properties have vehicle crossovers onto the highway.
- 1.2 The site is not within a Conservation Area. Rayleigh Road is a classified road. The site is within a Secondary Shopping Frontage but is not subject to any other planning policy designations. In front of the site are zig zag road markings for a zebra crossing outside No 354 Rayleigh Road.

2 The Proposal

- 2.1 Planning permission is sought to create a vehicular access onto Rayleigh Road some 3.66m wide, providing off-street parking for one vehicle. The crossing width was reduced during the course of the application. The depth of the parking area which is already hardsurfaced is a maximum of some 5.1m and a minimum of 4.2m and is 4.6m wide.

3 Relevant Planning History

- 3.1 The details of the most relevant planning history to this application are shown on Table 1 below.

Table 1: Relevant planning history

Referenced number	Description	Outcome [Date]
12/00691/FUL	Form vehicular access onto Rayleigh Road.	Refused (08.08.2012)
13/01379/FUL	Demolish existing outbuilding and erect two storey rear extension to form residential accommodation, and storeroom for use by restaurant.	Refused (19.11.2013)
14/00250/FUL	Erect ground and first floor extension to front and side and alter elevations (Amended Proposal).	Granted (10.04.2014)

Officer comment: Planning application reference 12/00691/FUL was determined in 2012, under a materially different planning policy context to the current application including prior to the current Vehicle Crossover Policy, which was adopted in 2021 so very limited weight is given to this previous refusal in the assessment of this application. In any event the current Crossing policy no longer requires vehicles to be able to enter and exit in a forward gear which was the basis of the 2012 refusal.

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillor Walker.

Public Consultation

- 4.2 Sixteen (16) neighbouring properties were consulted, and a site notice was displayed. No letters of representation have been received.

Highways

- 4.3 No objections. There are already a number of vehicle crossovers and a car park entrance in close proximity to the existing zebra crossing. The zebra crossing benefits from having additional zig zag markings which prevent cars parking and also provides increased visibility splays for pedestrians/vehicles. It is therefore considered that the proposal will not have a detrimental impact on the local highway network. Should more than one vehicle park at this site, this could be subject to enforcement action. The applicant will be required to apply to highways to carry out the installation.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 5.3 Core Strategy (2007): Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 The Southend-on-Sea Vehicle Crossover Policy (2021)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015).

6 Appraisal

Principal 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 on 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 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.”
- 6.5 The proposed crossover would not result in the loss of any street trees or any planted or grass verges. Given the existing hardstanding at the site and existing vehicle crossovers next to and within the vicinity of the site, it is considered that the proposed development would not significantly harm the character or appearance of the streetscene or the wider area.
- 6.6 The proposal is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 6.7 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council’s Design and Townscape Guide.
- 6.8 No. 356 Rayleigh Road to the east is a printer shop. This has a vehicle crossover serving parking outside the shop. Above the application premises is a first floor flat. A parking area to be demarcated on the application site’s existing hardsurfaced frontage and to be served by the proposed crossover will be used as one space by restaurant customers and/or staff. No. 360 to the west of the site is Police related premises according to rating records and beyond which is Rayleigh Road Car Park. Due to the nature of the development, ambient noise along this main road and the presence of other existing crossovers, it is not considered that the proposal would significantly harm residential amenity impacts in any relevant regards.
- 6.9 The proposal’s impact on residential amenity is therefore acceptable and policy compliant.

Traffic and Transportation Issues

- 6.10 Paragraph 111 of the NPPF states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 6.11 Policy DM15 of the Development Management Document concerns parking and highway matters. The Southend-on-Sea Vehicle Crossover Policy (2021) is not an adopted planning document but is a material consideration to be afforded relevant weight in the balanced determination of this application.
- 6.12 Rayleigh Road is a classified road. The parking area to be demarcated within the site’s existing hardsurfaced frontage and to be served by the proposed crossover is shown as 4.2m to 5.1m deep and 3.66m wide. The Vehicle Crossover Policy states that the minimum dimensions for a parking space when at a right angle to the footway is 2.44m wide and 4.8m deep. Therefore, there is sufficient space for one car to park on the hardstanding and vehicles parked here would not need to overhang the highway. An appropriate condition will be added to ensure that only one vehicle is parked on the hardstanding at any given time. The space is for parking for customers and/or staff of

the ground floor restaurant. The proposal would not fully accord with the Vehicle Crossover Policy in that 3.1 of that document states that proposed accesses will not be agreed if within a layby, bus stop, taxi rank, police bay or pedestrian crossing zigzags.

- 6.13 The Council's Highways Officer raises no objection to the development, which has been reduced in width during the course of the application, including within the scope of the above Crossover Policy as there are already a number of vehicle crossovers and a car park entrance in close proximity to the existing zebra crossing. The zebra crossing has zig zag markings which prevent cars parking and also provides increased visibility for pedestrians/vehicles. The Highways team's assessment is also informed by their confirmation that accident data in the vicinity of the site shows that there has been one personal injury collision in Rayleigh Road within the vicinity (50m) of No. 358 within the past three years to 28th February 2023. In June 2020, there was a car-pedestrian accident, where the driver was at error. There have been no further personal injury collisions within the past five years.
- 6.14 In making a planning decision the Local Planning Authority must take into account all relevant and material planning considerations. The Crossing Policy is a material consideration to which due weight should be apportioned but it is not an adopted planning policy so that it is neither definitive as to the decision which should be reached nor does it override planning policy notably the NPPF which states 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. No unacceptable impact on highway safety or the network has been identified.
- 6.15 The proposal's impact on highway and pedestrian safety is therefore acceptable and policy compliant.

Other Matters

- 6.16 As the proposed development does not involve new floorspace and does not involve the creation of a new dwelling (Class C3), it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 6.17 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.

7 Conclusion

- 7.1 Having taken all material planning considerations into account, the proposal, which was amended during the course of the application to reduce the crossover width, is considered to be acceptable and compliant with the relevant planning policies and guidance. Officers therefore recommend that planning permission be granted subject to

conditions.

8 Recommendation

Members are recommended to 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: 2023/02/358RR Sheet 01 of 02 (Rev B), 2023/02/358RR Sheet 02 of 02 (Rev B).

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

03 The development hereby permitted shall only be used to provide access to one parking space on the site at any given time. No more than one vehicle shall be parked on hardstanding served by the access at any one time.

Reason: To ensure that the development does not harm highway safety in accordance with the National Planning Policy Framework (2021), Policy CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Southend-on-Sea Vehicle Crossover Policy (2021).

INFORMATIVES

- 1. 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 for further details about 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.**

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.