

Reference:	17/00234/FUL	
Ward:	West Leigh	
Proposal:	Demolish existing dwelling house and erect 4no two storey dwelling houses, form vehicular accesses on to Underwood Square	
Address:	Haydon House, 10 Underwood Square, Leigh-on-Sea, Essex, SS9 3PB	
Applicant:	Intex Properties Limited	
Agent:	SKArchitects	
Consultation Expiry:	27.04.2017	
Expiry Date:	14.06.2017	
Case Officer:	Janine Rowley	
Plan Nos:	03-385P06 3D Views; 03-385 006-P01 Existing and Site/Block Plans Revision C; 03-385P02 Revision B Proposed Ground and First Floor Plans; 03-385P03 Revision B Proposed Second floor and roof plans; 03-385P04 Revision C Proposed Elevations; 03-385 P07 Revision B; 03-385 P05 Details	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing dwellinghouse and erect four dwellinghouses, each two storeys in height with roof accommodation, and from associated vehicular access onto Underwood Square. It should be noted during the determination of this planning application the applicant sought and was granted prior approval consent to demolish the existing dwellinghouse (under reference 17/00396/DEM) and that these demolition works are nearing completion.
- 1.2 The proposed dwellinghouses are approximately 7m wide (8.2m including entrance porch) 13m deep at two storeys (16.6m including the single storey conservatory), 10.6m to 10.9m high (due to the varying site levels). The proposed dormers to the side elevations are 3.6m wide by 2.1m high and 1.7m deep with pitched roofs.
- 1.3 The internal floorspace of each dwelling equates to 238sqm. Each dwelling would have a lounge, living/kitchen/dining area and utility room and WC proposed to the ground floor, 3 bedrooms, ensuite bathroom and family bathroom to first floor and two bedrooms with ensuite bathrooms at second floor.
- 1.4 Each dwelling would have two parking spaces to the front. The proposed amenity space to the rear of the dwellings ranges from 190sqm to 243sqm per house.
- 1.5 The proposed materials to be used in the construction of the dwellinghouses include white render and burnt Larch cladding to the walls, timber front and rear doors, with critall patio doors accessing the rear garden and timber framed windows.
- 1.6 It should be noted the siting the dwellinghouses has been revised during the course of the application and neighbours notified accordingly.

2 Site and Surroundings

- 2.1 Underwood Square is a purpose built square consisting of an informal green space surrounded and enclosed by detached and semi-detached houses. The houses are of different ages and designs and do not form a cohesive streetscene character. However, the character of this area derived primarily from the houses arrangement around the open space and the presence of many mature trees, which are preserved by tree protection orders.
- 2.2 The application property was the largest in the street and is set in a substantial plot taking up nearly a whole side of the square. As such it does not provide the same level of enclosure to the square as the opposite side, which contains 5 houses. There is one other property on the west side of the square to the north of the application site (number 11). This is a modest detached house of traditional design.
- 2.3 The dwellinghouse prior to demolition, was Arts and Crafts in style and was orientated south towards the garden rather than the street and screened by a tall hedge. The property was not listed or located within a conservation area, or on safeguarded land designated by the Development Management Document.

- 2.4 There are changes in levels across the site. The surrounding area includes a public open space to the immediate east of the site. The existing square is surrounded by two storey properties. The trees to the western boundary are protected by a tree preservation order. To the rear of the site is Belfairs playing fields

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene, ecology, impact on preserved trees, traffic and transportation and impact on residential amenity, sustainable construction, the schemes CIL liability and the quality of accommodation for future occupiers.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP1, KP2, CP4, CP8; Development Management DPD2 policies DM1, DM3, DM5, DM7, and the Design and Townscape Guide SPD1 (2009).

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF include to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.2 Part 2 of Policy KP2 of the Core Strategy states *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land. The site previously accommodated a 4 bedroom detached dwellinghouse.
- 4.3 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*

- 4.4 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Whilst the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable, the principle of providing a more intensive use and the erection of new dwellings at the site is considered to be acceptable, subject to the detailed considerations set out below.
- 4.5 In accordance with policy DM7 of the Development Management Document the proposed development will provide four 5 bedroom family houses, which is an acceptable dwelling mix.
- 4.6 For these reasons it is considered that no objection should be raised in relation to the principle of undertaking residential development at the site.
- 4.7 As the original dwelling at the site has been demolished lawfully the loss of this building is not a reasonable ground to object to the proposal.

Design and Impact on the Streetscene

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Plan DPD2 policies DM1, DM3 and the Design and Townscape Guide SPD1 (2009).

- 4.8 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.9 Policy DM3 of the Development Management Document states the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.
- 4.10 Part 2 of Policy DM3 of the Development Management Document 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."*

- 4.11 The west side of Underwood Square contained two detached, two storey properties. The proposed development comprises four, two storey detached dwellinghouses with roof accommodation. The overall grain is considered to reference the east side of Underwood Square, whereby there are a total of 5 houses including two pairs of semi-detached properties and one detached dwelling. The overall frontages of the site to the east side of Underwood Square range from 8.2m to 10.7m in width whereas as the proposed dwellings forming part of this new development range from 9m to 11.2m. Whilst the proposed development is for four linked detached dwellings, the overall density references the east side of Underwood Square. On balance, the proposed development in terms of overall density is considered a reasonable approach providing an enclosure to the square and active frontage to the street.
- 4.12 In relation to the overall layout, the dwellinghouses are set on a similar building line to number 11 to the north of the site. The proposal includes the formation of two vehicle crossovers and hardstanding areas to the front of the dwellinghouses. There are a number of mature trees within and around the site. During the course of the application, officers have secured amendments to the layout of the dwellinghouses to ensure the root protection areas of the existing trees to the south and south east corner are safeguarded. This will be discussed in further detail below.
- 4.13 The proposed dwellinghouses are two storeys in height with roof accommodation. The roof design is a steeply pitched gable to the front with two small pitched roof dormers to each side. The ridge of the gable roof will extend above the neighbouring properties. However, the existing streetscene does not have a consistent scale and on balance this ridge height is not objected too given the scale of the roof is diminishing at this point. Whilst the overall height will appear higher to the adjacent properties to the north and south, the steeply pitched gable is integral to the overall design of the properties, and on balance, it is considered that this difference in height will not appear dominant in relation to the adjacent properties to the north and south or when compared to the wider streetscene.
- 4.14 The overall design of the dwellings has an Arts and Crafts reference with a steep gabled frontage with black timber cladding, feature bay at ground floor and tall chimney. The streetscene contains a number of chalets and properties with Arts and Crafts references and on balance, the proposed form and style would not appear out of character in the streetscene. It is noted that the windows and porch are modern simple glazed forms; however the overall detailing is considered to be of an acceptable quality. The properties are articulated in terms of feature bays, chimneys and materials, including decorative black timber cladding and traditional plain clay peg tiles, which would relate to the streetscene.
- 4.15 On balance, notwithstanding that the height of the dwellings will be higher than surrounding development, taking into account size of the site, architectural approach, height, size, scale, form and massing of the new dwellings it is considered that the proposal would have an acceptable appearance in the context of the surrounding area in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy DPD1, policies DM1 and DM3 of the Development Management Document DPD2 and the Design and Townscape Guide.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Document policies DM1, DM3, DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

- 4.16 Paragraph 17 of the NPPF states that *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.17 Part 2 of policy DM3 of the Development Management Document (i) states: *“Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents”*.
- 4.18 It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:
- Minimum property size for a five bedroom (8 person bed space) 134sqm;
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m²; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - 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.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.19 The dimensions of the proposed residential units are set out above. They comply with the abovementioned standards. Furthermore, the bedrooms would be of appropriate size. All habitable rooms will benefit from outlook and daylight. There is some potential concern in relation to the dwelling nearest to the boundary abutting 51 Lime Avenue given the proximity of trees to the side elevation and rear boundary that could result in shading. However, on balance the impact is not such that it would result in material harm to occupiers, given the size of the amenity space.
- 4.20 The amenity space provision for the four dwellings consists of rear gardens ranging from 190sqm to 243sqm, in size. This is considered to be entirely adequate to serve the dwellings proposed.
- 4.21 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. It has been demonstrated that the proposed development would accord with the requirements of the M4(2) standard in the Building Regulations and this will be ensured by imposition of a suitable condition.

Traffic and transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policy DM15 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.22 Policy DM15 states that each dwelling should be served by at least two parking spaces per property and as such the four dwellings should be served by a total of 8 spaces.
- 4.23 The proposed parking arrangement will include the formation of two vehicle crossovers (4.8m wide) and eight parking spaces (two per dwelling), which is policy compliant. No objections have been raised by the Councils Highway Officer in relation to the parking provision and vehicle crossovers. Whilst the proposal will result in the loss of one parking space, taking into account the benefits of new housing in this location no objection is raised. Whilst the proposed development will result in increased traffic movements, they are not considered harmful to the highway network. The existing road will remain unchanged. The development would not impact upon access for emergency vehicles or refuse lorries to a degree that would justify a refusal of planning permission.

Impact on residential amenity

National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management Document DPD2 policies DM1, DM3 and the Design and Townscape Guide (SPD1)

4.24 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

“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;”

4.25 The proposed plot to the north of the site abutting the boundary is set 1m-1.4m from the side boundary of number 11 Underwood Square. The proposed dwelling will not project in front of no. 11 Underwood Square, but will project beyond the rear wall of no. 11 by 7.1m in total, with 3.5m at single storey and the remainder 3.6m at two storeys. It is noted there are a number of windows to the side elevation that serve bedrooms and living areas to the ground floor. However all windows are secondary and primary windows are to the east and west of number 11 Underwood Square.

4.26 The applicant has provided drawing 385-08-16 385P09 demonstrating the proposed development will have some impact during the winter months on the amenities of existing occupiers of number 11 Underwood Square in terms of daylight. However, it is not considered that this would cause demonstrable harm to existing amenities of nearby residential occupiers particularly given the windows affected are secondary and taking into account the separation distance to the side boundary of between 1m-1.4m and a further 2m to the side elevation of number 11 Underwood Square. The proposed development will not breach a 45 degree taken from the ground floor window of number 11 Underwood Square. Due to the proposed relationship it is considered that the proposed development would not result in a sense of enclosure, loss of light or outlook of the neighbouring property that would result in material harm to the amenities of the occupiers of that property. Overlooking would be prevented by the use of obscure glazing. It is therefore considered on balance that the proposal would not impact on the amenities of that property to an extent that would justify the refusal of the application.

4.27 In relation to the impact on existing occupiers at 51 Lime Avenue, (to the south), the new dwelling nearest the southern boundary of the site is set 2.6m away from the boundary with number 51 Lime Avenue. The dwelling would project 14.3m to the rear of 51 Lime Avenue. Taking into account the separation distance and given the proposed dwelling is to the north of the boundary of number 51 it is not considered, on balance, that the proposed built form would cause an unacceptable loss of light, outlook nor result in an unacceptable sense of enclosure to the detriment of the existing amenities enjoyed by occupiers at number 51 Lime Avenue. Whilst windows are proposed to the flank elevation of the new development a condition to ensure it is fixed shut and obscure glazed will be imposed. Therefore the development would not result in any increased overlooking or loss of privacy.

- 4.28 To the west of the site, the existing site backs onto playing fields associated with Belfairs High School and to the east is Underwood Square, which is an open space therefore not resulting in harm to residential occupiers.
- 4.29 In relation to noise and disturbance, it is not considered the increase activity associated with the proposed development will have an adverse impact on residential amenity taking into account the residential nature of the proposal. To ensure the amenities of residential occupiers surrounding the site are safeguarded during construction a condition will be imposed in relation to construction hours.

Sustainable Construction

National Planning Policy Framework; DPD1 (Core Strategy) policy: KP2 DPD2 (Development Management) policies DM1 and DM2, and the Design and Townscape Guide SPD1.

- 4.30 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. This applies during both construction and the subsequent operation of the development. 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), such as those set out in SPD 1 Design and Townscape Guide”.

- 4.31 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. In this instance the applicant has indicated that photovoltaic panels will be used to meet the requirement of policy KP2 of the Core Strategy. Further details would be sought through the conditions recommended if this application is deemed acceptable.
- 4.32 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. A condition will be imposed to ensure the proposed development mitigates against surface water runoff.
- 4.31 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. Whilst details have not been submitted for consideration at this time, this would be dealt with by conditions recommended if the application is deemed acceptable.

Other Matters

Listing Assessment of the existing dwellinghouse

- 4.32 The Council has commissioned an independent report by Architectural History Practice (AHP) to carry out an architectural and historical assessment of the existing dwellinghouse prior to demolition.
- 4.33 The report concludes that Haydon House is an early twentieth century suburban house built in a Tudor Arts and Crafts style from designs by F. W. Goldsworthy. It is one of a large number of houses built in the Southend area by the Goldsworthy family firm of builders, architects and developers. None of these has been identified as of special architectural or historical interest. The design of the house shows the influence of the great Edwardian architect C. F. A. Voysey. The building has been significantly altered over time, both internally and externally, and retains no original internal features of note. The report has assessed the building against each of Historic England's recommended considerations, and in each of these respects found that it failed to meet the bar which is set for the listing of buildings of this type and date. Haydon House is therefore not considered to merit statutory listing. The report concurs with officer's initial assessment of this matter and the findings of officers at Historic England.

Conservation Area designation

- 4.34 A number of residents have raised concerns in relation to whether the area is worthy of designation as a conservation area. When considering the designation of conservation areas Government Policy, as set out in the National Planning Policy Framework, states that *'local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest'* (paragraph 127).
- 4.35 There can be a number of factors which determine whether an area warrants designation as a conservation area, but generally conservation areas have a strong character and include a particularly high concentration of good quality (well detailed and unaltered) historic buildings or depict an important period in the evolution of an area. There may also be other factors which contribute to the significance of a conservation area, such as a historic street pattern, association with a particular industry or the high quality of the public realm. However, where these characteristics occur they add to the significance of the surrounding built heritage rather than represent the primary reason for conservation area designation.
- 4.36 The buildings around Underwood Square were assessed as part of the application process and were found to be of varying quality and age and not of a sufficient overall quality or the cohesion to merit the designation of a conservation area. It is considered that the character of Underwood Square is defined more by the open space and the mature trees, rather than the historic merits of the associated buildings.

Landscaping & Trees

- 4.37 In terms of landscaping, applications for new buildings will be required to respect existing tree and planted areas. There is an Area Tree Preservation Order (ref (4) 1972) protecting several of the mature Oak trees on site situated along the rear (west) boundary. There is also a street tree located outside of the site to the south east corner. This application is accompanied by an Arboricultural Method Statement and a tree protection plan.
- 4.38 The applicant is seeking to remove small specimen trees however, the street tree located to the south east corner of the site and preserved trees to the western boundary will remain. The method statement states there are a number of mitigation measures to be implemented to achieve this including no digging outside of the building footprint, no heavy machinery or storage of materials within the root protection zone, ground protection being placed prior to demolition and remaining until completion of site works or for required soft landscaping works, site storage not to be within the root protection of any trees, supervised excavation within the root protection area for any required root pruning.
- 4.39 As set out above there are a number of measures proposed to mitigate against any potential harm to the existing trees on site. To ensure that the trees subject to the area tree preservation order (ref (4) 1972) to the western boundary are protected, tree protection barriers and ground protection will be installed. In relation to the trees to the south of the site in the rear garden of 51 Lime Avenue, named T19 and T20 by the Arboricultural Report, a foundation design outside of the tree protection zone is proposed with a cantilevered ground slab to ensure protection of tree roots together with a specific piling design to ensure protection. T21 located outside the site on the street to the south east corner of the site will require a temporary ground protection product such as Geocell, which is to be placed on the existing soil level with a Terram base prior to the placement of the Geocell material to ensure the roots of the trees are protected. Whilst it is noted a number of smaller trees and the boundary hedge would be lost through the proposed development, full landscaping details will be required by condition and the larger trees (which would be preserved) are the most significant in terms of overall contribution to the character and appearance of the surrounding area.
- 4.40 No details of proposed landscaping have been provided at this time, however an appropriate condition can be imposed to ensure landscaping is provided to the front of the site to enhance the overall appearance and setting within Underwood Square. The Councils Arboricultural Officer has raised no objections subject to appropriate conditions in relation to the mitigation measures set out in the Arboricultural Impact Assessment and Arboricultural Survey and the requirement for appropriate landscaping to soften the overall appearance of the development.

Biodiversity and Nature Conservation

- 4.41 The NPPF (section 11) states that local authorities should aim to conserve and enhance biodiversity appropriately. Planning decisions must prevent unacceptable harm to bio-diversity and impose adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61.

The Habitats Regulations require a two-step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. The site itself has no ecological designation.

- 4.42 As required by the regulations the applicant has provided such information as the authority reasonably requires for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required. The application is accompanied by Bat and Badger Survey carried out by Intext Properties Limited dated March 2017. The habitats found on site during the survey have some ecological value as they support several protected species and are linked to offsite ecological valuable habitats. With respect to Bats, the report states that the existing building now demolished and the garage building have no evidence of their presence found at the site. In relation to Badgers, the site does contain a number of holes to the north-western corner of the site that are not occupied.
- 4.43 Given the presence of badgers the development should be carried out in accordance with the mitigation measures set out in the survey in relation to the potential impact local wildlife and protected species. Natural England have raised no objection subject to the proposal being carried out in strict accordance with the details of the application. A suitable condition will be imposed to ensure further surveys are carried out and the mitigation measures set out in the report as stated above are adhered to. Although it is an entirely separate matter, an alleged breach of legislation protecting badgers and their habitats has been reported to Essex Police and is being investigated.
- 4.44 Concerns have been raised in relation to the impact on existing birds within the hedgerows to the front of the site; however officers are not aware any nesting birds on site. However, this matter can also be addressed through the use of conditions.

Ancient Field Boundary

- 4.45 A third party representation has referenced the site borders on to an ancient field boundary. Following a review of the Southend on Sea Borough Council Local Wildlife Site Review 2011, the boundary only extends to the existing flatted block to the north of Haydon House. The rear boundary of Haydon House back onto Belfairs School playing fields only and does not fall within the Ancient Field Boundary area.

Permitted Development

- 4.46 It is noted that any alterations/extension of the dwellings allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without modification, may result in unacceptable extensions, which will harm the visual impact on residential and mature trees surrounding the site. For this reason it is considered reasonable that permitted development rights for the proposed dwellinghouses be removed from this proposal.

Prior approval for the demolition of the dwellinghouse

- 4.47 The applicant submitted an application (reference: 17/00396/DEM) to demolish the existing dwellinghouse. This was a prior approval application solely on the basis of evidence and statutory legislation rather than planning policy. The method of demolition was considered acceptable and the applicant has notified the Council that this has commenced.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.48 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a net increase in gross internal area of 948 square metres given the existing dwellinghouse has now been demolished. The CIL chargeable rate for residential units in this location is £66 per square metre for the residential use. Therefore, this equates to a contribution approximately £62,568.00.

Conclusion

- 4.49 Having taken all material planning considerations into account, it is found that subject to compliance with the proposal conditions, the development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Whilst the loss of the existing dwellinghouse is regrettable, new family housing in this location is welcomed. On balance, it is considered that the dwellinghouses, would provide an acceptable addition within the streetscene maintaining the overall character and appearance of the surrounding locality, while providing adequate amenities for future occupiers and protecting the amenities of neighbouring properties.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend on Sea Historic Environment), DM7 (Dwelling Mix), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009

6 Representation Summary

Design and Regeneration

- 6.1 The existing property is Arts and Crafts in style but is orientated south towards the garden rather than the street and screened by the tall hedge so does not have significant presence in the streetscene. It is understood that a prior approval application has been submitted for its demolition so the principle of its loss is no longer a consideration for this application.

It is noted that there are a number of preserved trees on the site to the rear boundary and some other mature and semi mature trees to the front and side of the site. These trees are an important townscape feature so it will be important to ensure that any development does not cause them harm as this would have a detrimental impact on the leafy character of the area.

There is no objection in principle to an increase in density on this site. The houses are 2.5 storeys with a steeply pitched gable to the front and 2 small triangular dormers to each side. The streetscene shows the ridge of the gable to extend slightly above the neighbouring properties, however, the streetscene does not have a consistent scale as seen in some areas of the Borough, the scale of the roof is diminishing at this point and the steeply pitched gable is integral to the overall design of the properties so overall it is considered that this difference in height will not appear dominant of the neighbours and is within acceptable tolerances when compared to the wider streetscene which is a mix of building forms, scales and heights.

The site plans shows the houses to be relatively close to a large street tree and to two semi mature oaks on the neighbouring property (51 Lime Avenue) so the applicant should be required to demonstrate that the proposal will not have a detrimental impact on these trees or the preserved oaks to the rear and tree protection measures should be conditioned. There may be scope to shift the houses slightly northwards to reduce this impact and this should be considered as well as suitable construction techniques.

The houses are closely spaced and effectively detached as they are linked only by lightweight glazed porches which are set back from the frontage. They are set on a similar building line to number 11 to the north of the site and present their principle frontage to the street.

The streetscene contains a number of chalets and properties with an Arts and Crafts references so this form and style would not appear out of character in the streetscene. It is noted that the windows and porch are more modern simple glazed forms but the applicant has shown that detailing of these elements, which has been provided, to be acceptable

Internally the layouts seem well considered and the amenity space suitable for family housing. To the front the properties have shared crossovers leading to 2 parallel parking spaces for each property. The layout here is efficient and should ensure that there is space for planting and an opportunity for an appropriate boundary treatment to the street.

Renewables

The Design and Access Statement comments that PVs are proposed to meet the requirement for 10% renewable energy. In this context with the surrounding mature tree cover and steep pitches further information on this should be requested including location of PVs and indicative calculations. It may be that other options would be more suitable for this site although the presence of trees and roots will need to be considered for all possibilities.

Trees

As noted above the mature trees that surround this site are key to local character and must be protected during development. It will be important to establish if any works are proposed to the TPO trees as part of this proposal so that they can be properly reviewed by the Councils Arboricultural Officer and this includes works to the roots. The impact on the trees in the street and those at 51 Lime Avenue will also need to be clarified. There is no objection to the loss of the smaller trees on the site or the boundary hedge as it is the larger trees which contribute to the areas character. Tree protection measures and a method statement for construction near these trees will need to be agreed.

Traffic and Transportation

- 6.2 No objections.

Environmental Health

- 6.3 No objections to the proposed development subject to conditions relating to noise and burning of waste and contamination.

Trees

- 6.4 No objections, the Arboricultural method statement addresses all relevant points relating to the proposed development. There is a very minor incursion into the root protection of 19 and 20. However, a condition can be imposed to ensure all works outlined in the Arboricultural Method Statement DF CP 3950-02 and trees protected as outlined in the Tree Protection Plan DF CP 3950 TPP. The tree works outlined in the Arboricultural Impact Assessment are also acceptable.

Leigh on Sea Town Council

6.5 Objection to the proposal development for the following reasons:

Overdevelopment- The plan to place four five bedroom houses on the plot is considered to be an overdevelopment. It is noted that in effect they are 3 storey properties.

Design- Haydon House is a unique building in a unique residential area. The design of the development is considered to be misleading, as it fails to show the 5° slope of the land, the result being overbearing on number 11 Underwood Square which being set to the North of the development would be overshadowed by a 10m chimney and be lower than the development thus suffering loss of light. The current design does not take policy C11 [sic] into consideration.

Parking Stress-There would be a loss of 4 on street parking spaces which would be detrimental to an area that already suffers from parking stress.

Underwood Square is a busy residential area with existing on street parking strain is a result of flat developments in the area and a busy church hall.

Environment- The development will result in a loss of all greenery from the plot except the trees covered by a TPO, thus disregarding policy C14 [sic]. Badgers, bats, and muntjac deer are regularly spotted around Haydon House being a green corridor from Belfairs Woods. The proposed removal of the holly hedge may cause issues as it also has a dense ecology.

Haydon House is situated in a flood prone area due to the proximity of Prittle Brook. The proposed development is likely to exacerbate the issue.

In the opinion of Leigh Town Council Haydon House should be a locally listed building and requests that Southend Borough Council consider this.

Natural England

6.6 Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Badger licensing is not an area of Natural England's work. Licenced temporary or permanent closures of setts are licenced for the period of 1st July – 30TH November (inclusive) and we are outside of that period.

Public Consultation

6.7 A site notice was displayed on the 22.02.2017 and 17 letters sent to neighbouring properties notifying them of the proposal.

57 objections were received from residents and the community group Friends of Underwood Square. These raise the following issues:

- Inappropriate development;
- Loss of light;
- Loss of views;
- Detrimental impact on the special nature and sense of place;
- Overbearing nature in respect to mass, density and appearance;
- Harm to the amenities of neighbouring and surrounding occupiers;
- Damage to local environment flora and fauna and ecological habitats;
- Additional traffic and inadequate parking; ;
- Challenge to community cohesion;
- Damage to establish trees including from construction traffic;
- The building and wider area should be a conservation area and listed to protect the community and future generations;
- Overdevelopment of site;
- Scale of development;
- Properties will distort the natural balance and rhythm of Underwood Square;
- Overlooking;
- Loss of privacy;
- Proposed dwellings are too big and does not fulfil the government criteria for affordable family homes;
- No communication with residents and the development is only about maximising profit;
- Flooding and drainage issues;
- Badgers exist in the area and the proposal would harm them;
- Noise, disturbance, dust and smells from construction for prolonged periods;
- Impact on the community and other services;
- Keep the green area as open space and install bollards to prevent users on the green space;
- Non-compliance with planning policies;
- The square will lose existing on street parking spaces that serve as an overflow to the church hall functions;
- Concern for emergency services and refuse collection;
- The garden is an integral part of the green corridor network and the western edge is part of an ancient field boundary;
- Culturalism vandalism;
- Development Control Committee should support a conservation area listings to protect the community and future generations;
- Harm to biodiversity including protected species such as bats, breeding birds and badgers.

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. A more detailed response to these points is provided in the relevant section of the above report.

1 letter of support

- The drawings will provide a fantastic frontage with off street parking and beautiful open plan area to the rear of the proposed dwellings;
- All Oak trees will remain;
- The property has been in previous ownership for 50 years and by selling the property to the applicant enabled a local developer to provide an acceptable development rather than a large company

6.9 Essex Badger Protection Group- Badgers are present on site and there is photographic evidence to confirm this. Although the resident sett to the rear right corner of the property does not appear currently occupied.

6.10 Councillor Evans, Councillor Phillips have requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Demolish existing dwellinghouse (Application for Prior Approval for Demolition)- Prior approval is required and granted (17/00396/DEM)

7.2 Crown reduction by 4-5m to five Oak Trees (Works covered by a Tree Preservation Order)- Refused (16/01866/TPO) for the following reason:

1. *“The five Oak trees positively benefit the character and appearance of the local area and have significant amenity value. No evidence has been put forward to justify the crown reduction, which would result in a detrimental impact to the character and appearance of the trees and harmful to visual amenity and character of the area, contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy, Policy DM1 of the Development Management Document DPD2 of the Southend-on-Sea Borough Local Plan, and guidance contained within the SPD1, Planning Practice Guidance (Tree Preservation Orders and trees in conservation area)”.*

8 Recommendation

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

01 **The development hereby permitted shall be begun not 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 shall be carried out in accordance with the approved plans: 03-385 006-P01 Existing and Site/Block Plans Revision C; 03-385P02 Revision B Proposed Ground and First Floor Plans; 03-385P03 Revision B Proposed Second floor and roof plans; 03-385P04 Revision C Proposed Elevations; 03-385 P07 Revision B; 03-385 P05 Details.**

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

- 03 No development shall take place until samples of the materials to be used on all the external elevations, including walls, roof, dormers, windows, doors, porch, timber cladding, paving, and on any screen/boundary walls and fences, driveway, forecourt or parking area have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.**

Reason: To safeguard character and appearance of surrounding area in accordance with policies DM1 and DM3 of the Development Management DPD and KP2 and CP4 of the Core Strategy.

- 04 The development shall not be occupied until 8 car parking spaces have been provided at the site in accordance with drawing 385 P01 Revision C, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies DM15 of the Council's Development Management DPD and CP3 of the Core Strategy DPD1.

- 05 No development shall take place 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, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but be not limited to:-**
- i proposed finished site levels or contours;**
 - ii. means of enclosure, of the site including any gates or boundary fencing;**
 - iii. car parking layouts;**
 - iv. other vehicle and pedestrian access and circulation areas;**
 - v. hard surfacing materials;**
 - vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.);**
 - vii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
 - ix. 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 may be agreed with the Local Planning Authority

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protections measures are implemented pursuant to Policy DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1

- 06 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the Arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and agreed in writing by the local planning authority. The approved measures shall be installed before the commencement of works and the development implemented in full accordance with the approved measures.**

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and the advice contained in the Design and Townscape Guide.

- 07 No development shall take place until details of the measures to be taken to protect badgers breeding birds and badgers in connection with the development hereby approved have been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The development shall only be carried out in full accordance with the approved details.**

Reason: To ensure the development has an acceptable impact on the biodiversity of the environment in accordance with the National Planning Policy Framework and DPD1 (Core Strategy) 2007 policy KP2 and CP4.

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

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and policy DM2 of the Development Management Document.

- 09 The development hereby permitted shall not commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied unless otherwise agreed in writing with the Local Planning Authority.**

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 the Core Strategy DPD1, DPD2 (Development Management) policy DM2 .

- 10 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and be retained as such in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 11 The development hereby approved shall be carried out in a manner to ensure the houses comply with Building Regulation M4 (2) 'accessible and adaptable dwellings' standard.**

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.**

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).

- 13 Prior to occupation of the development hereby approved the proposed, first and second floor windows in the flank elevations of the houses hereby approved shall 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 and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. 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. The windows shall be retained as such in perpetuity thereafter.**

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1 and advice contained within the Design and Townscape Guide SPD1.

Reason: To minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management) policy.

- 14 Construction and demolition works (including the unloading and loading of associated materials) associated with this permission shall only take place between the hours of 0730 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.**

Reason: In the interests of the character and amenity of the area in accordance with Policy DM1 of the Development Management Document.

- 15** Prior to the first occupation of the dwellings hereby approved, details shall be submitted of the provision of cycle parking and refuse storage at the site. The approved cycle parking and refuse storage shall be provided in full and made available for use by the occupants of the proposed dwelling prior to the first occupation of the dwellings hereby approved and be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM8 and DM15 of DPD2 (Development Management).

Informative

- 01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. 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.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.
