

Reference:	17/01430/FUL	
Ward:	West Leigh	
Proposal:	Erect three dwelling houses incorporating garages, layout parking to front and form vehicular accesses onto Underwood Square	
Address:	Haydon House, 10 Underwood Square, Leigh-on-Sea, Essex, SS9 3PB	
Applicant:	Intex Properties Limited	
Agent:	SKArchitects	
Consultation Expiry:	20.10.17	
Expiry Date:	13.11.17	
Case Officer:	Abbie Greenwood	
Plan Nos:	385P010, 385P011, 385P012, 385P013, 385P014, 385P015	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

1.1 Planning permission is sought to erect three dwellinghouses, each two storeys in height with roof accommodation, and from associated vehicular access onto Underwood Square. This is an amended scheme following an earlier refusal earlier in the year for 4 houses (ref 17/00234/FUL).

1.2 The dimensions of the each of the proposed dwellinghouses are as follows:

	Current proposal 17/1430/FUL	Refused proposal 17/00234/FUL
Width	10.7m	7.4m
Depth	14.1m at 2 storeys 17.2m in total	14.1m at 2 storeys 17.2m in total
Height	10.6m -10.3m depending on site levels	10.6m-10.9m depending on site level
Eaves	6m	6m
Bed spaces Internal floor space	6 bed plus study 299 sqm	5 bed 238 sqm
Dormers	1 per property 3.8m wide, 2.2m tall, 1.7m deep, triangular shape	2 per property 3.8m wide, 2.2m tall, 1.7m deep, triangular shape
Separation between properties	2.5m	1.8m-2.4m
Separation to the boundaries	North 1.5m-2m South 2.05m-2.1m West 18.7m	North 1m-1.6m South 2.7m West 18.7m
Parking	2 spaces plus small garage/store	2 spaces

1.3 In the current proposal each dwelling would have a lounge, living/kitchen/dining area and utility room and WC proposed to the ground floor, 4 bedrooms, 2 ensuite bathroom and family bathroom to first floor and two bedrooms with 2 ensuite bathrooms and a study at second floor meaning that each property could accommodate 12 people in 6 double rooms plus a study which could serve as an additional single bedroom.

1.4 Each dwelling would have two parking spaces to the front and a garage with internal measurements of 5.6m x 3m which is below the required standard and therefore this would be classed as a store only. The proposed amenity space to the rear of the dwellings ranges from 253sqm to 297sqm per house.

1.5 The proposed materials to be used in the construction of the dwellinghouses include black clay tiles to the roof and first floor side additions, white render and black burnt Larch cladding to the walls and aluminium windows.

- 1.6 The proposal follows a previous refusal for 4 dwelling houses on this site. This application (ref 17/00234/FUL) was refused for the following reasons:

01 The proposed development would, by reason of its design, bulk, mass, size and siting, result in an overbearing relationship with and an increased sense of visual enclosure and a loss of light, outlook at 11 Underwood square and 51 Lime Avenue, to the detriment of the residential amenities of the occupiers of these properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposal would, by reason of its design, size, bulk, mass, siting and layout represent a cramped form of development and an overdevelopment of the land, which is out of keeping with and detrimental to the character and appearance of the application site and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

2 Site and Surroundings

- 2.1 Underwood Square is a purpose built urban 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. The character of the square is derived primarily from the arrangement of the houses around the open space and the presence of many mature trees, a number of which are preserved by Tree Preservation Orders including some on the application site.
- 2.2 The site was formerly occupied by a single detached house which has recently been demolished. The plot is of a significant size taking up nearly the whole of the west side of the square. 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. The opposite side of the 'square' contains 5 modest houses which are arranged as 2 pairs of semi-detached houses and one detached property.
- 2.3 There are slight changes in levels north to south across the site. The surrounding area is residential mainly consisting of two storey houses, most of which are semi-detached. To the rear of the site is Belfairs School 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 quality of accommodation for future occupiers and the schemes CIL liability.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012); Core Strategy(2007) Policies KP1, KP2, CP4, CP8; Development Management (2015) policies DM1, DM3, DM5, DM7, and the Southend Design and Townscape Guide (2009).

- 4.1 This proposal is considered in the context of the Borough Council policies noted above and the National Planning Policy Framework (NPPF). The NPPF seeks 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.”* The NPPF also states in paragraph 56 that *“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.”* and paragraph 64 of the NPPF states; *“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 development must be achieved in ways which *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*. Part 2 of Policy CP4 requires that new development *“maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments”* and in part 5 states that this should be achieved by *“maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.3 Policy CP8 of the Core Strategy 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.
- 4.4 Policy DM3 of the Development Management Document 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”*

- 4.5 Policy DM7 of the Development Management Document requires new housing development to meet the needs of the Borough in terms of the type and size of development proposed. The application is seeking to provide three large family houses. This is considered to be an acceptable dwelling mix.
- 4.6 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.
- 4.7 The site is in a residential area comprises of mainly family housing. There is therefore no objection in principle to houses on this site. The site previously accommodated a single 4 bedroom detached dwellinghouse. 3 six bedroom houses are now proposed. 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 3 new replacement dwellings at the site is considered to be reasonable, subject to the detailed considerations set out below.

Design and Impact on the Streetscene

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2012) policies DM1 and DM3 and the Southend Design and Townscape Guide (2009).

- 4.8 Policy DM1 of the Development Management Document states that *“all 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 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.”*
- 4.10 The application site is a sizeable plot on the west side of Underwood Square. The west side of Underwood Square previously contained two, detached, two storey properties, although the property on the application site has now been demolished. The opposite side of the square contains 5 modestly scaled 2 storey dwellings arranged as two semi-detached pairs and one detached property.

It is therefore acknowledged that there is scope for more than 1 dwelling on this site provided that it respects the scale and grain of the area.

- 4.11 The recently refused application (ref 17/00234/FUL) was for 4 detached houses on this site. These were 2 tall storeys with roof accommodation (10.6-10.9m in height) which is taller than the surrounding properties. The houses were located close to the boundaries of the site (1m from northern boundary, 2.7m from southern boundary) and close together (1.8m – 2.4m separation) resulting in a significant change in density and scale. This proposal was refused for 2 reasons one of which, reason 02, related to design and character. This reason, noted in section 1 above, considered that the design, size, bulk, mass, siting and layout of the proposal represented a cramped form of development and an overdevelopment of the land such that it was out of keeping with the area. To address this reason for refusal the proposal would need to demonstrate that the amended design is in keeping with the grain, scale and character of the area.
- 4.12 The application has been amended from 4 to 3 houses, although the proposed houses have changed significantly in terms of their scale and bulk. Whilst they are approximately the same height as previously proposed houses, an additional wing section has added to the side of each property such that they are now much wider and bulkier than the originally refused design. As a result the width of the properties has been increased from 7.4m to 10.7m, an increase of nearly 45% on the original proposal. This means that the spacing of the properties remains virtually the same as the refused scheme, at around 2.4m -2.5m. It is also noted that the distance to the northern boundary has been slightly increased from 1m to 1.5m but the distance to the southern boundary has been reduced from 2.7m to 2.05m.
- 4.13 Overall therefore, whilst it is considered that 3 detached houses could, in principle, sit more comfortably on this site than the 4 link detached houses previously proposed, because of the significant increase in the scale and bulk of the properties, it is found that the proposal has not demonstrated that the development would result in a less cramped appearance than the previously refused scheme. Indeed whilst the height of the houses was previously mitigated by their slender proportion, the increase in width of the current scheme has resulted in a significant increase in mass of the houses such that they are now much larger and bulkier than the surrounding development. It is noted that the side addition is set back around 3m from the main front gable. However, it is usual for gable features to project forward and it is considered that this would not significantly offset the mass of the properties in relation to their neighbours. This concern is evident on the proposed site plan which shows a clear difference in the scale of the footprint of the proposed houses to the surrounding properties. It is therefore considered that the current application has not satisfactorily addressed the reason for refusal 02 in relation to the design, size, bulk, mass, siting and layout. It is still considered that the proposal would represent a cramped form of development, be out of character with the grain and scale of the area, constitute an overdevelopment of the land and therefore be out of keeping with and detrimental to the character and appearance of the area.

- 4.14 In relation to the detailed design it is noted that the gabled section of the amended houses is based on the design of the refused scheme which includes a tall steep gable roof that kicks out at the eaves to create an Arts and Crafts style profile and includes other Arts and Crafts features such as tall fluted feature chimneys and natural dark timber boarding. The amended design now also includes a substantial mansard roof section to the side of each property to contain an integral garage/store and additional first floor bedrooms. It is also noted that at ground floor the design has maintained a modern frameless glass bay set below an overhanging first floor. This element has now been amended to wrap around one side of the projection adjacent to the extended section of each property.
- 4.15 Overall, whilst there is no objection in principle to an Arts and Crafts style which references the history of the site and the previously demolished property, there is a concern that the proposal now seems to be made up of 3 different styles/approaches and has resulted in rather a disjointed design which lacks cohesion and context. In particular it is considered that the mansard form of the side addition conflicts with the roof form of the main part of the property and the streetscene more generally. Therefore, in addition to the concern noted above in relation to scale and grain, there is also a concern raised in relation to the detailed design and form of the houses. As noted above the proposed roof material is black clay tile. This is not characteristic of the area and there is a concern that this material, together with the proposed black burnt larch cladding proposed for the main gable, will further highlight the scale and bulk and incongruous nature of the houses in the streetscene.
- 4.16 It is therefore considered that the amended design, form and layout of the scheme has not overcome the previous reason for refusal relating to design, size, bulk, massing, siting and layout representing a cramped appearance and an over development of the site. Indeed it is considered that the amended proposal would be even more dominant in relation to the surrounding houses and wider streetscene as well as unresolved in its detailed design. It is suggested that 3, well-spaced dwellings of a more modest scale and a more cohesive design would be more appropriate for this site. The design of the proposal is therefore unacceptable and contrary to 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 (2012), Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) policies DM1, DM3, DM8, The National Technical Housing Standards DCLG and Design and Townscape Guide (SPD1)

- 4.17 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”*.

- 4.18 Part 2 of policy DM3 of the Development Management Document (i) states: proposals should be resisted where they “*Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents*”.
- 4.19 In order to ensure that the living standards for future occupiers are acceptable all new housing is required to meet the Governments National Technical Housing Standards. These require that:
- Minimum property size for a six bedroom (8 person bed space) 134sqm – there is no standard for a 6 bed 12 person house, however 12 person households are unusual and it is assumed that not all double bedrooms would be occupied by 2 persons.
 - 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.

- Internal Storage: 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.
 - Cycle 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 Councils Waste Management Guide. Suitable space should be provided for and recycling bins within the home.
 - 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.
- 4.20 The dimensions of the proposed residential units are set out above. They comply with the abovementioned standards. Furthermore, the bedrooms are also generous and meet required space standards. All habitable rooms would benefit from outlook and daylight. There is some concern in relation to the siting of the southernmost dwelling nearest to the boundary abutting 51 Lime Avenue given the proximity of large trees to the side and rear elevations which could result in significant shading to the proposed dwelling. This is another indication that the development is too cramped on the site and has not adequately addressed the constraints of the site.

- 4.21 The amenity space provision for the four dwellings consists of rear gardens ranging from 253sqm to 297sqm, in size. This is considered to be reasonable to serve the dwellings proposed.
- 4.22 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. If this proposal was to be recommended for approval a condition would be imposed to ensure that the development meets the requirements of Building Regulations standard M4(2).

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.

- 4.23 Policy DM15 states that each dwelling should be served by at least two parking spaces. The proposed parking arrangement will include the formation of three vehicle crossovers (4.8m wide) and six parking spaces (two per dwelling), which is therefore policy compliant. It is noted that the houses now also have integral garages, however, as noted above these are only 5.6m x 3m so would not meet the DM standards for new garages so cannot be counted as a viable parking space. However, as these are not needed to meet the policy requirement the scheme remains acceptable on parking grounds.
- 4.24 The formation of additional crossovers will result in the loss of some on street parking however no objections have been raised by the Councils Highway Officer in relation to the parking provision and vehicle crossovers. Therefore taking into account the benefits of new housing in this location, no objection is raised.
- 4.25 It is also noted that the proposed development would result in increased traffic movements in the area. However the increase would be low and is not considered harmful to the highway network. The existing road will remain unchanged and 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)

- 4.26 Policies DM1 and DM3 of the Development Management Document and policy 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 “*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.*”

- 4.27 The previously refused application for 4 houses (ref 17/00234/FUL) was refused because of the impact of the proposal on the amenities of both adjacent neighbours. Reason 01 of the decision notice states:

01 The proposed development would, by reason of its design, bulk, mass, size and siting, result in an overbearing relationship with and an increased sense of visual enclosure and a loss of light, outlook at 11 Underwood square and 51 Lime Avenue, to the detriment of the residential amenities of the occupiers of these properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 4.28 The northern most house of the previously refused scheme was set 1m-1.5m from the side boundary of number 11 Underwood Square. The proposed dwelling did not project in front of no. 11 Underwood Square, but projected beyond the rear wall of no. 11 by 7.9m in total, with 3.6m at two storeys and the remainder 3.5m at single 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.
- 4.29 The amended proposal has increased the separation distance to this boundary by 0.5m so the northernmost house is now set between 1.6m and 2m off the boundary. Number 11 is set 2.2m off this boundary making the total separation distance between 3.8m- 4.2m. It is also noted that there are no windows proposed on the northern flank of the proposal. The amended proposal is the same overall depth as the previously refused scheme, however, it is noted that the side elevation facing this neighbour is the shorter wing which has the same rear building line but is set back 3m from the front of the building and has a slightly lower roof on this side (a reduction of 1.4m). This will noticeably reduce the sense of enclosure on the neighbour towards the front of the property and the reduced scale of the roof on this side will reduce the sense of enclosure and shadowing to the rear albeit to a lesser extent.
- 4.30 The proposed dwelling is located to the south of number 11 in a similar location to the previous garage. The applicant has provided shadow drawing ref 385-08-16 385P015 in relation to this impact, however, it is noted that the previous large garage on this site was located very close to this boundary so itself would have contributed to the enclosure and shadowing of the neighbour. It is also noted that the proposed first floor development will not breach a 45 degree taken from the ground floor window of number 11 Underwood Square.

It is therefore considered that, on balance, the amended proposal has sufficiently reduced the impact on this neighbour to address the concerns raised in reason for refusal 01 and as such the proposal would not have an unreasonable impact on the amenities of this neighbour.

- 4.31 In relation to the impact on existing occupiers at 51 Lime Avenue, (to the south), the new dwelling nearest the southern boundary of the previously refused scheme was set 2.7m away from the boundary with number 51 Lime Avenue. The dwelling would project 14.3m to the rear of 51 Lime Avenue.
- 4.32 The amended proposal has reduced the distance to this boundary by 0.65m from 2.7m to 2.05m. It is noted that roof shape against this neighbour is such that it would be shorter than the previous scheme as the side projection is set 3m back from the front building line and the scale of the roof is reduced. No windows are proposed in the flank elevation facing this neighbour.
- 4.33 Taking into account the separation distance and given the proposed dwelling is to the north of the boundary of number 51 it is considered that the proposed built form would cause an unacceptable loss of outlook and result in a unacceptable sense of enclosure to the detriment of the existing amenities enjoyed by occupiers at number 51 Lime Avenue. The development would not result in any increased overlooking or loss of privacy or light for this neighbour.
- 4.34 To the west, 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.
- 4.35 In relation to noise and disturbance, it is not considered the increased 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.
- 4.36 Overall therefore it is considered that the amended proposal has, on balance, not done enough to address the concerns previously raised in regard to the impact of the development on the neighbours to the south of the site.

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.

- 4.37 Policy KP2 of the Core Strategy states that *“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”.*

- 4.38 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. In this instance no comment has been made in relation to this requirement and no details are shown on the plans however, for a scheme of this size it is considered that details would be sought through the conditions recommended if this application is deemed acceptable.
- 4.39 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 could be imposed to ensure the proposed development mitigates against surface water runoff.
- 4.40 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 could be dealt with by conditions recommended if the application is deemed acceptable.

Other Matters

Landscaping & Trees

- 4.41 The mature oak trees along the western boundary of the site are protected by a tree preservation order ref TPO 4/72. There are also some semi mature oaks within the garden of 51 Lime Avenue close to the southern boundary of the site and some significant street trees close to the site the closest being on the pavement adjacent to the south east corner of the site. As noted above the large trees in this area are a key feature and important to local character.
- 4.42 An Arboricultural Statement has been submitted with this application. This shows that the southernmost property is located within the root protection area of the two semi mature oak trees in the garden of 51 Lime Avenue. The statement comments that the driveway area closest to these trees and the adjacent street tree will be constructed with special porous surfacing and construction methods to ensure that the roots of the tree are not damaged. It also comments that the neighbouring oaks and the preserved oaks to the west will be protected during development. The previous application stated that the foundations to the southernmost house would be constructed with piled foundations and a cantilevered floor slab to minimise the risk to the roots of these trees so it follows that this property could be constructed in the same manner. Although the southernmost house is now slightly closer to these trees the Council's Arboricultural Officer has not raised any objections to these mitigation measures subject to the submission of detailed method statements and tree protection measures.

- 4.43 It is noted that the Arboricultural Report also includes a schedule of proposed works to the trees on and around the site including to the preserved oaks at the rear. Planning records show that consent was granted for pruning works to these preserved trees in October 2017 therefore it is considered that additional works at this time would cause harm to these trees. It is therefore considered that if this proposal were recommended for approval the applicant should be directed to the consented tree works and the decision notice should make clear that additional works to these trees would not be acceptable at this time. It is considered that this could be achieved by way of a condition.
- 4.44 Whilst it is noted a number of smaller trees and the boundary hedge would be lost through the proposed development, it is noted that it is the larger trees which make to most significant contribution to local character and if the application were to be approved, full landscaping details will be required by condition to ensure that the frontages were appropriately landscaped.
- 4.45 The Council's Arboricultural Officer also comments that whilst the proposal could be constructed without significant impact on the trees the southernmost house would be surrounded by mature canopies and this is likely to lead to pressure for pruning works. A greater separation to the trees would be a benefit to the scheme, however, given that the largest trees are protected with a TPO or in Council ownership it is considered that these pruning works could be controlled and therefore this concern is not such that it would on its own warrant refusal of the proposal, however, it is a further indication that the proposal is an over development of the site and smaller better spaced properties would enable more separation to the boundary and to the large oak tree at the rear.

Biodiversity and Nature Conservation

- 4.46 The NPPF (section 11) states that the planning system should contribute to and enhance the natural environment including protecting biodiversity. Planning decisions must therefore prevent unacceptable harm to biodiversity and impose adequate mitigation measures where appropriate. The site itself has no ecological designation.
- 4.47 The applicant has provided a Bat and Badger Survey carried out by Intext Properties Limited dated March 2017. This comments that the habitats found on site during the survey, which included the original house, garage and garden, have some ecological value as they potentially could support several protected species such as bats and badgers and are linked to offsite ecological valuable habitats including Belfairs Woods, however, the report states that there was no evidence of bats utilising the existing building (now demolished) or the garage building and no evidence of their presence found at the site. In relation to Badgers, it comments that the site does contain a number of holes to the north-western corner of the site but these appeared historic and were unoccupied at the time of the survey and it concluded that there was no evidence of badgers on site at this time.

4.48 It is noted, however, that neighbours have reported sightings of badgers at the site more recently. Therefore it is considered that should the development be recommended for approval a condition requiring further details and mitigation measures to ensure the protection of any badgers on the site would be imposed. It is noted that Natural England have previously raised no objection to the development of this site subject to the proposal being carried out in strict accordance with suitable mitigation measures.

Community Infrastructure Levy (CIL) Charging Schedule.

4.49 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

Conclusion

4.50 Overall, therefore, whilst the proposal has addressed part of reason for refusal 1 in relation to the impact on neighbours, and is considered satisfactory in terms of the standard of accommodation, traffic and parking and potential impact on trees, it is considered that the amended design, form, siting and layout of the scheme has not overcome the previous reason for refusal 02 relating to design, size, bulk, massing, siting and layout and it is considered that the amended proposal still represents a cramped scheme and an over development of the site. In addition it is considered that the increased scale of the houses in the amended proposal would be even more dominant of and out of character with the surrounding houses and wider streetscene as well as unresolved in their detailed design. It is also found that the impacts of the development on the amenities of the occupiers of 51 Lime Avenue remain unacceptable. The application is therefore recommended for refusal.

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), DM7 (Dwelling Mix), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009

6 Representation Summary

Traffic and Transportation

- 6.2 2 parking spaces have been provided per dwelling which meeting current policy guidance therefore no highway objections are raised.

Environmental Health

- 6.3 No comments received.

Tree Section

- 6.4 The default position of BS 5837 is to have no construction within RPAs of trees unless there is an overriding reason to do so but it is accepted that special construction methods are available as long as they are carried out correctly. Although there are now only 3 houses proposed on the site, the southernmost house is within the RPA of T-19 and T-20. It would appear the construction is approximately 3.5 -4 m from T- 19 and T-20 which are off site, these trees have an RPA of 5.4 m. As far as I am aware piled foundations are to be used with a cantilevered floor slab and the piling is to take place outside of the RPA so no excavation will be carried out in the RPA. In theory this should not have an adverse impact on the root systems of T-19 and T-20. There is to be paving I assume to the front of the southernmost property and this will be within the RPAs of T-19-T-20 and T-21. A 'no dig' method of construction is proposed for this area and is acceptable as long as levels allow and it is carried out correctly. It will also be important to ensure that as much of the RPA as possible is soft landscaped.

I also note that the southernmost dwelling has trees on 3 sides in close proximity and some occupants may not find that agreeable due to shading, fear of trees falling over and general nuisance trees can sometimes cause. It is noted that this dwelling has been orientated differently from the other 2 to address some of these issues. If planning permission is granted we would require detailed method statements for construction within RPAS, a finalised tree protection plan and details of site monitoring with regard to tree protection

Structural Engineer

- 6.5 No comments received.

Waste Management

- 6.6 No comments received.

Leigh on Sea Town Council

6.7 The Committee RESOLVED TO OBJECT on the following basis:

Although there has been a reduction in the number of houses proposed on this land, the floor plans in total of the 3 homes are more than the previous 4 homes applied for. The development would, by reason of its design, bulk, mass size and siting, result in an overbearing relationship with and an increased sense of visual enclosure and a loss of light and outlook at 11 Underwood Square and 51 Lime Avenue, to the detriment of the residential amenities of the occupiers of these properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core strategy (2007), policies DM1 and DM3 of the Southend-on-Sea Development Management document (2015), and the advice contained within the Southend-on-Sea Design and Townscape guide (2009).

The proposal would, by reason of its design, size, bulk, mass, siting and layout, represent a cramped form of development and an overdevelopment of the land, which is out of keeping with and detrimental to the character and appearance of the application site and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core strategy (2007), policies DM1 and DM3 of the Southend-on-Sea Development Management document (2015), and the advice contained within the Southend-on-Sea Design and Townscape guide (2009).

Additionally Leigh Town Council wish to point out that the drawings are misleading with regard to the proposed elevations and street scene. 51 Lime Avenue is not directly next to House 1.

Section 11 (Foul Sewage) on the planning application is of concern. There is no mention as to how the foul water would be disposed of. We need assurances that the infrastructure will be able to cope with the high volumes of waste/foul water from 3 x 6 bed roomed, 6 W.C/bathroom houses on land where previously only 1 house existed. This would have a detrimental effect on the surrounding homes and Leigh Town Council would like the assurance that the application complies with policy DM2 of the Southend-on-Sea Development Management document (2015).

This proposed development, although only 3 houses could in effect home 36 people (39 if the study space was also used). This therefore has the potential of a direct impact on its surrounds which creates a need for additional infrastructure or improved community services/facilities. As well as the Community Infrastructure Levy that would apply, Leigh-on-Sea Town Council would expect Policy KP3 of the Southend-on-Sea Core strategy (2007) to apply and that the advice statements 1.20 and 1.22 (f) of Supplementary Planning Document 2 – planning obligations: a guide to section 106 and developer contributions 2015 be followed should any development of any kind on this land be sought.

Natural England

- 6.8 The following comments were provided by Natural England in relation to the previous application and the principle of development at this site which was for a similar scale and siting of development.

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.

[Officer Comment: If the application were recommended for approval then further details in relation to the protection of badgers would be required by condition. It is noted that it may be possible to obtain a licence for the temporary or permanent closures of setts from Natural England]

Public Consultation

- 6.9 A site notice was displayed and 28 letters sent to neighbouring properties notifying them of the proposal.

13 objections were received from residents which raises the following issues:

- The 3 x 6-7 bed dwellings off the same total area as the 4 original dwellings in terms of bulk and mass so will still be overbearing to neighbours and over scaled in the streetscene and out of character with the area
- The proposal remains significantly higher than neighbouring properties –2 – 2.8m taller
- The proposal will dominate the western aspect of the square which is characterised by 2-4 bed houses
- The southern house garage is inaccessible which also signifies over development
- Lack of respect for the local environment
- Impact on local services
- Impact on trees
- The garages are not large enough for parking
- 2 parking spaces is not enough for this number of bedrooms, this is an area of parking stress.
- Loss of on street parking.
- The floorspace is greater in this application than the previously refused application and much greater than all the other houses in the area
- Spare rooms may be let out

- The application does not have a design statement
- The double drives result in a significant loss of enclosure of frontage which would be out of character
- Impact on badgers
- The badger report is incorrect as neighbours have seen badgers in the area
- The shadow drawings do not take account of the existing trees

[Officer Comment: These concerns are noted and they have been taken into account in the assessment of the application in Section 4 above.]

6.10 Councillor Arscott has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Crown lift, prune and removal of deadwood to various oak trees (works to trees covered by a tree preservation order) (ref 17/01361/TPO) was granted October 2017

7.2 Demolish existing dwelling house and erect 4no two storey dwelling houses, form vehicular accesses on to Underwood Square (ref 17/00234/FUL) was refused for the following reasons:

01 The proposed development would, by reason of its design, bulk, mass, size and siting, result in an overbearing relationship with and an increased sense of visual enclosure and a loss of light, outlook at 11 Underwood square and 51 Lime Avenue, to the detriment of the residential amenities of the occupiers of these properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 an CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

02 The proposal would, by reason of its design, size, bulk, mass, siting and layout represent a cramped form of development and an overdevelopment of the land, which is out of keeping with and detrimental to the character and appearance of the application side and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 an CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

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

01 "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 REFUSE PLANNING PERMISSION for the following reasons:**

- 01 The proposal would, by reason of its detailed design, size, bulk, mass, siting and layout appear incongruous in the streetscene and represent a cramped form of development and an overdevelopment of the land, which is out of keeping with and detrimental to the character and appearance of the application site and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**
- 02 The proposed development would, by reason of its design, bulk, mass, size and siting, result in an overbearing relationship with and an increased sense of visual enclosure and a loss of outlook at 51 Lime Avenue, to the detriment of the residential amenities of the occupiers of this property. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

Informative

- 01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.