

Reference:	18/01063/FUL	
Ward:	West Leigh	
Proposal:	Erect three dwellinghouses, layout parking to front and form vehicular accesses on to Underwood Square (Amended Proposal)	
Address:	Haydon House 10 Underwood Square Leigh-On-Sea Essex SS9 3PB	
Applicant:	Mr G Newton	
Agent:	SKArchitects	
Consultation Expiry:	13 th September 2018	
Expiry Date:	8 th October 2018	
Case Officer:	Abbie Greenwood	
Plan Nos:	385P01A, 385P02B, 385P03C, 385P04, 385P06, 385P07, 16025 (Measured topological survey April 2016), DFCP 3950 TPP (tree protection plan BY Bionomique Ltd dated 17.8.18)	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to erect 3 detached houses, comprising two 5 bed houses of 2 storeys with roof accommodation and one 4 bed house of two storeys. Each property has two off street parking spaces with associated vehicular access to Underwood Square and a large garden to the rear.
- 1.2 The dimensions of the each of the proposed dwellinghouses are as follows:

	House Type A	House Type B	House Type C
Height to ridge	9.5m	9.5m	8.5m
Max Height (including chimney)	10.1m	9.8m	10.2m
Width at 2 storeys	9.1m	9.1m	9.1m
Max width	9.8m	9.8m	9.8m
Depth at two storeys	10.1m	10.1m	10.4m
Max Depth	11.2m	11.2m	11.5m
Separation to north	2.1m to house B	3.3m to house A	4.3m to number 11 Underwood Sq
Separation to south	4.5m to 51 Lime Avenue	2.1m to house C	3.3m to house B
No of bedrooms	5 bed 9 person	5 bed 9 person	4 bed 7 person
Internal floor area	196 sqm	196 sqm	156 sqm
Amenity Provision	322 sqm	301 sqm	356 sqm

- 1.3 The design and materials vary between the plots. The proposed materials specified in the application are plain clay peg tiles, brick and render with decorative timber and tile detailing and powder coated aluminium windows.
- 1.4 The proposal is an amended design and follows a previous refusal for 4 dwelling houses on this site reference 17/00234/FUL. This application 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).

1.5 This proposal was also dismissed at appeal.(reference APP/B1590/W/17/3182743)
The key inspectors comments from the appeal decision are:

- The marked difference in height between the proposal and number 11 Underwood square is a concern (para 8).
- The combined mass of the 4 houses (comprising height, limited separation, substantial depth, verticality) would be at odds with local character (para 10).
- The extent and scale of development as a whole would be dominant and harmful to local character (para 13).
- The proposal would appear overbearing with a reduced outlook and resultant sense of enclosure to the side windows of number 11 Underwood Square and this is unacceptable (para 16).

1.6 The appeal proposal was for 4 houses on this site. These were taller and deeper than the current proposal but had a reduced width. The design approach for this scheme was a contemporary interpretation of an Arts and Crafts design. The key dimensions from this proposal are as follows:

Height to ridge	10.7m - 11m depending on land levels
Max Height (including chimney)	10.7m - 11m depending on land levels
Width at 2 storeys	7.4m
Max Width	8.6m
Depth at two storeys	13.1m
Max Depth	16.7m
Separation to number 11 to the north	3.1m
Separation to number 51 to the south	4.3m
Separation between dwellings	1.8m - 2.4m
No of bedrooms	5 bed 10 person
Internal floor area	237 sqm

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. The character of the square is derived primarily from the arrangement of the houses enclosing the open space and the presence of many mature trees, including a significant street tree and a number of trees on the application site.

2.2 The site was formerly occupied by a single detached house which was demolished in 2017. The plot is of a significant size taking up nearly the entire the west side of the square. There is only 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 houses which are arranged as 2 pairs of semi-detached houses and one detached property. The

houses to the north side are more varied in their design and form. The south side contains the junction and is enclosed by the flank elevations of properties in Lime Avenue.

- 2.3 There are slight changes in levels north to south across the site as the land slopes down to Prittlebrook a short distance to the north. The surrounding area is residential in character mainly consisting of two storey houses, most of which are semi-detached. To the rear of the site is Belfairs School playing fields and Belfairs Woods beyond.
- 2.4 The central square is designated as protected green space. The large oak trees on the western boundary of the site are protected by a tree preservation order. There are no other policy or heritage designations in the vicinity of the site.

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, traffic and transportation, impact on residential amenity, sustainable construction, quality of accommodation for future occupiers, ecology, impact on preserved trees and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM5, DM7, and the Southend Design and Townscape Guide (2009).

- 4.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes.
- 4.2 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”*. 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 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.
- 4.6 As part of its Strategic Housing Land Assessment (SHLAA) update (2017), the Council 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. Thus the Authority is able to meet its housing targets without recourse to allowing development which would otherwise be unacceptable.
- 4.7 The site is in a residential area which comprises of mainly family housing. There is therefore no objection in principle to family sized houses in this location for which there is an identified need in the Borough. The principle of residential development did not form a reason for refusal of the previous application or dismissal of the subsequent appeal. The site previously accommodated a single 4 bedroom detached dwellinghouse. 3 x four and five bedroom houses are now proposed. The principle of providing a more intensive use and the erection of 3, new, replacement family sized dwellings, on this site is considered to be reasonable, subject to the detailed considerations set out below.

Design and Impact on the Streetscene

National Planning Policy Framework (2018); 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 *Paragraph 124 of the NPPF states ‘ The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 4.9 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.”*
- 4.10 Policy DM3 part 2 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 application site is a sizeable plot on the west side of Underwood Square. This side of the square previously contained two, detached, two storey houses (Haydon House and number 11), 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. On the north side of the square there is a mixture of detached and semi-detached properties. The dwellings vary in design and are between 1.5-2.5 storeys in height. There is a variation of separation between the houses, some of which are quite tightly spaced.
- 4.12 As noted above it is considered that there is scope for more than 1 dwelling on this site provided that such development respects the scale and grain of the area. The refused application, reference 17/00234/FUL, for 4 detached houses on this site, was dismissed at appeal for reasons relating to character and scale. In relation to these issues the inspector comments that:

‘8....There was a marked difference in height between number 11 and the nearest new dwelling (house 4)

‘10. Taking the development as a whole, although the four dwellings would be detached, it would span significantly across this wide frontage and the dwellings would be positioned close to one another, particularly Houses 2 and 3. Moreover, due to the steeply pitched centrally ridged roofs, the height of these four dwellings as a close-knit row, would emphasise and accentuate the development’s verticality. This, combined with their massing from the substantial depth, which would be glimpsed from certain points at Underwood Square, would give the impression of a substantial development at odds with local character. Although the dwellings on the north side of Underwood Square are positioned close to one another this is tempered by the variety of styles and designs evident, along with a generally lower ridge height evident.’

‘13. In this instance the extent and scale of the development as a whole would be dominant in the streetscene and harmful to the character and appearance of the area. Accordingly, I conclude that the proposal would be in material conflict with the design objectives of CS policies KP2 and CP4, DMD policies DM1 and DM3 and also relevant advice within the Council’s SPD1.’

- 4.13 In order to address these concerns the application has been amended from 4 to 3 houses and the dimensions of the properties have generally been reduced. The design of the scheme has also been significantly amended to a more traditional design which includes 3 houses of different designs and a stepping of building heights towards the northern end of the site to provide a more positive transition to the more modest scale of number 11. The changes in dimensions can be summarised as follows:

- Height of northern dwelling reduced from 10.7m to 8.5m (- 2.2m)
- Height at southern and central dwelling reduced from 11m to 9.5m (-1.5m)
- Width increased from 7.4m to 9.1m (+1.7m)

- Depth at two storeys reduced from 13.1m to 10.4m (-2.7m)
- Separation to number 11 increased from 3.1m to 4.3m (+1.2m)
- Separation between new houses increased from 1.8m-2.4m to 2.1m-3.3m (between +0.3m to +0.9m)
- Separation to number 51 Lime Avenue increased from 4.3m – 4.5m (+0.2m)
- Floorspace reduced from 237sqm - 196sqm/156sqm (between -41sqm and -81sqm)

- 4.14 The decrease in the number of units on the site, the reduction and stepping in heights, the increased separation to the edges of the site and between the proposed dwellings and the noticeable reduction of depth of the houses has significantly reduced the overall massing of the development. This has helped to achieve a more acceptable transition between the proposal and the neighbouring properties and is more representative of the wider streetscene. It is noted that the width of each of the proposed houses has been increased by 1.7m over the appeal scheme to make more efficient use of the site, however, the impact of this on the scale and mass of the development has been offset by the significant reductions in the other parameters. The increased width has resulted in houses that are around 2-3m apart, this would not be out of character with the street generally and it is considered that the variation in height and design across the site has helped to offset the overall scale and mass of the development in the streetscene.
- 4.15 Overall, therefore, it is considered that the amended scale and form of the development as a whole, has achieved an acceptable transition to the neighbouring properties and is more in keeping with the scale and grain of the area. The quantum and form of the proposed development is now considered to be reasonable in this context.
- 4.16 The design approach to the development has been significantly amended and the proposal has now adopted a more traditional approach to the design. In contrast to the previous proposals, the detailed design of the houses also varies between the plots. The designs include feature bays and gables with timbering and tile detail, tall chimneys and traditional porches. The roofs are hipped and half hipped and slope away from the frontage.
- 4.17 The character of the surrounding houses is mixed including a variety of both traditional and modern designs. Bays are a common feature, particularly on the larger properties, many of which have decoration including tile hanging and timbered gable tops. There is a mix of roof forms including hips and gables and chimneys are a common feature.
- 4.18 In this varied context a flexible approach can be taken to the style of new development including between the new properties themselves. The style of the current scheme is more traditional than the previous applications and the house designs vary across the site, but each has maintained a good degree of articulation and is well proportioned and the detailing has generally sought to reference key features in the wider streetscene, such as those noted above. It is considered that in this instance the variety of form and detailed design reflects the varied nature of the street and helps to break up the scale of the development. The amended design is therefore considered to be acceptable in this context.
- 4.19 The design of the forecourt areas have been amended to increase the level of soft
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landscaping whilst still maintaining the required 2 off street parking spaces. This will provide an attractive setting for the development and a positive reference to the wider streetscene where planted frontages are also important to the character of the area. Full details of the landscaping, including boundaries and paving will need to be conditioned.

- 4.20 The varied designs of the other houses in the area means that there is also variety in wall and roof materials. Many properties also have additional accent materials such as tile hanging and timber detailing to enrich the street frontages. It is considered that the matter of specific materials can be dealt with via a condition requiring full details to be submitted for consideration.
- 4.21 It is therefore considered that the amended quantum, siting, scale and design of the scheme has overcome the Inspectors concerns in relation to the design, form, massing and integration into the streetscene and the proposal is now considered to be acceptable and policy compliant in this regard.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework (2018), 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 (2009)

- 4.22 Delivering high quality homes is a key objective of the NPPF.
- 4.23 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”*.

Space Standards

- 4.24 All new homes are required to meet the National Technical Housing Standards in terms of floorspace and bedroom sizes. The required size for a 3 storey, 5 bed 8 person household is 134 sqm and 115 sqm for a 2 storey 4 bed 7 person house. There is no size given for a 3 storey, 5 bed 9 person house. The minimum standards for bedrooms are:
- Master - minimum area 11.5 sqm, minimum width 2.75m
 - Other doubles – minimum area 11.5 sqm, minimum width 2.55m
 - Singles - minimum area 7.5 sqm and minimum width 2.15m
- 4.25 The dimensions of the proposed residential units are well in excess of these standards. All habitable rooms would also benefit from good outlook and daylight.

M4(2) – Accessibility

- 4.26 Development Management Policy DM8 requires all new homes to be accessible and meet the standards set out in Building Regulations M4(2) - Accessible and Adaptable Dwellings. This ensures that all new homes are flexible enough meet the changing needs of all generations. The Planning Statement makes a commitment to providing accessible and adaptable homes and drawings have been submitted to

demonstrate how this will be achieved. This requirement can also be secured by a condition requiring full compliance with M4(2).

Amenity Provision

- 4.27 The amenity space provision for the three dwellings consists of rear gardens ranging from 301sqm to 356sqm in size. It is considered that this will meet the needs of a large family dwelling.
- 4.28 Overall it is considered that the proposal will provide a good standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Traffic and Transportation

National Planning Policy Framework (2018); Core Strategy (2007) policies KP2, CP4, CP3; policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 4.29 Policy DM15 states that each dwelling should be served by at least two off street parking spaces. The proposed parking arrangement will include the formation of three vehicle crossovers (4.8m wide) and six parking spaces (two per dwelling). This meets the standard required.
- 4.30 It is noted that 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 or the vehicle crossovers. Therefore taking into account the benefits of new housing in this location, no objection is raised to the proposed parking arrangements.
- 4.31 Concerns have also been raised by objectors in relation to increased traffic as a result of the proposed development. Overall it is considered that this increase in traffic arising from this development would be low and is not considered harmful to the highway network. The existing road layout will remain unchanged and the development itself would not impact upon access for emergency vehicles or refuse lorries to a degree that would justify a refusal of planning permission. It is also noted that no objections to parking or traffic generation was raised to the previously refused 4 house proposal. The traffic and transportation impacts of the proposal are therefore considered to be acceptable and policy compliant.

Construction management plan

- 4.32 A number of concerns have been raised by objectors in regard to construction management including the burning of waste, parking and impact on access to neighbouring properties. It is considered that these issues can be controlled by requiring the developer to submit a Construction Management Plan. This will control how they will approach all issues relating to the construction of the development. A condition relating to hours of construction would also need to be imposed. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in this regard.

Impact on Residential Amenity

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and the Design and Townscape Guide (2009)

4.33 Policy DM1 of the Development Management Document states that development should, *“protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.”*

4.34 The previous application for 4 houses (reference 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).

4.35 The planning Inspector considered that, given the orientation and siting of the development, the proposal would have an acceptable impact on number 51 Lime Avenue. The Inspector agreed that the proposed development would have an unacceptable impact on the amenities of number 11 Underwood Square. In relation to this issue the appeal decision states:

‘14. The Council has raised objections in respect of the proposal’s effects on two particular dwellings; No 51 Lime Avenue and No 11 Underwood Square. In this regard I have had regard to the daylight study commissioned by the appellant which concludes that the proposed development would have a low impact on the light received by its neighbouring properties and satisfies the requirements of the BRE publication ‘Site layout planning for daylight and sunlight: a guide to good practice’(BR 209). I have also noted the series of shadow diagrams provided with the planning application.

15. Again, considering the relative footprints and orientations, with No 51 sitting to the south of House 1, I am satisfied that the dwelling itself would not be unduly affected by the development. Its rear garden would be overshadowed to some extent by House 1 but the facing flank wall would be positioned adequately from the properties’ common boundary. Indeed, degrees of overshadowing would be an inevitable consequence of any new dwelling situated towards this end of the site given the acceptability of the site for residential development, and the probability of No 11’s front building line being followed to this end.

16. In contrast, No 11, beyond the opposite end of the site, would sit to the north of the development. Given this orientation, unfavourable to No 11, the proximity of its flank wall to that of House 4, the latter’s depth and the drop in land levels, I

consider that, when seen from No 11's various side facing windows, the development would appear as somewhat overbearing with a reduced outlook and a resultant visual sense of enclosure. I therefore find that this physical relationship, as proposed, would compromise the living conditions of the occupiers of No 11. This would be particularly contrary to the aims of DMD policy DM1 which comments that protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of new development into its surroundings.

17. On this main issue I conclude that the proposal would be harmful to the living conditions at No 11 Underwood Square. It would also be in material conflict with the requirements of CS policies KP2 and CP4, DMD policies DM1 and DM3 and also relevant advice within the Council's SPD1.'

Impact on number 11 Underwood Square to the north

- 4.36 The northern most house of the previously refused scheme was set 3.1m from the side wall 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 8.3m in total, with 4.8m at two storeys and the remainder 3.5m at single storey only. It is noted there are a number of windows to the side elevation of number 11 that serve bedrooms and living areas, however all these windows are secondary only – the primary windows face to the east and west.
- 4.37 The amended proposal has increased the separation distance between the properties to 4.3m. The amended design has also been reduced in height from 10.7m to 8.5m (- 2.2m) and the depth on this side is reduced from 13.1m to 10.4m (-2.7m) at two storeys. The current proposal would still project past the rear building line of number 11 but only by 2.2m at 2 storeys with a further projection of 1.5m at single storey only. No windows are proposed to the north elevation of the proposed dwelling.
- 4.38 It is considered that the increased separation distance combined with the reduction in height and depth of the proposed dwelling would, compared to the refused scheme, improve the outlook from number 11 and reduce the sense of enclosure on the neighbour such that the proposal would no longer appear overbearing. It is therefore considered that the amended proposal has addressed the concerns relating to the impact on this neighbour and is now acceptable and policy compliant in this regard.

Impact on number 51 Lime Avenue to the south

- 4.39 The nearest dwelling in the previously refused scheme was set 2.7m away from the boundary with number 51 Lime Avenue. The proposal is sited along the side boundary to the rear garden of 51 Lime Avenue, well back from the neighbouring property, approximately central to the deep amenity space. The dwelling was proposed as 13.1m wide at two storeys with a height of 11m.
- 4.40 The amended proposal has increased the separation distance to this boundary by 0.2m and the depth of the proposal at two storeys has been reduced by 3m to 10.1m. No windows are proposed on the southern flank.

- 4.41 As noted above the Inspector considered the impact of the appeal proposal on this neighbour to be acceptable. The current proposal has increased the separation to the boundary and reduced the depth and depth of the proposal on this side. This will further reduce the impact of the development on this neighbour. It therefore follows that this relationship is acceptable and policy compliant.

Impact on other neighbours

- 4.42 To the west, the existing site backs onto playing fields associated with Belfairs High School and to the east is the public space of Underwood Square. It is therefore considered that the proposal would have no material impact on the amenities of other properties in the square in terms of outlook, overlooking, sense of enclosure and daylight/sunlight.
- 4.43 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.
- 4.44 Overall therefore it is considered that the amended proposal has addressed the concerns previously raised by the Inspector in regard to the impact of the development on the amenities of neighbours and the proposal is now acceptable and policy compliant in this regard.

Sustainable Construction

National Planning Policy Framework (2018); Core Strategy (2007) policy: KP2 Development Management Document (2015) policies DM1 and DM2, and the Design and Townscape Guide (2009).

- 4.45 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 4.46 The Design and Access Statement comments that roof mounted photo-voltaic panels are proposed but these are not shown on the plans and no calculations have been provided to demonstrate that this meets the 10% requirement. No information has been given regarding water usage.
- 4.47 It is considered that the requirement for renewable energy and restrictions on water usage could be controlled with conditions. The proposal will need to take account of shading from the surrounding trees. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Drainage

- 4.48 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.
- 4.49 The site is located in flood risk zone 1 (low risk). No information has been provided regarding drainage, however, a condition could be imposed to ensure the proposed development mitigates against surface water runoff. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Landscaping & Trees

- 4.50 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 a significant street tree close 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.
- 4.51 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 and that the forecourt and boundary to this property falls within the root protection area of the adjacent street tree. These trees are not covered by preservation orders although the street tree in particular is considered to make a significant and positive contribution to the character of the area.
- 4.52 The proposed forecourt design has been amended to include additional soft landscaping to the front of the site which should reduce the impact on the root protection of the street tree and this is welcomed. The statement comments that the any paving in the root protection areas will use special porous surfacing and construction methods to ensure that the roots of the trees are not damaged. It also notes that the southernmost house will be constructed with piled foundations and a cantilevered floor slab to minimise the risk to the roots of the adjacent oak trees. These are the same mitigation measures which were found to be acceptable for the previously refused scheme. That proposal had a deeper footprint and was closer to these trees than the current proposal. It therefore follows that, subject to a condition requiring these mitigation measures to be adhered to in full, the current proposal will also have an acceptable impact on these trees.
- 4.53 The Arboricultural Statement also includes details of the proposed protective fencing for these trees and the preserved oak trees to the western boundary of the site. These are considered to be sufficient to mitigate the impact on these trees during construction.
- 4.54 The Arboricultural Report also recommends some pruning works to the canopies of the two oak trees on the neighbouring site to enable the scaffolding to be erected. The report suggests that these works be a 30% crown reduction (to the whole tree) or selective pruning over the site. These trees are not preserved and therefore these works would not be controlled by the Council. It is recommended that any works are undertaken in consultation with the tree owner. An informative can be added to this effect.

- 4.55 A number of smaller trees and the boundary hedge to the front of the site would be lost through the proposed development, however, it is noted that it is the larger trees which make to most significant contribution to local character and replacement landscaping on this frontage will be required by condition.
- 4.56 The Council's Arboricultural Officer has no objections to the proposed tree protection works as set out in the statement. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to conditions relating to tree protection (including construction methods) and landscaping

Biodiversity and Nature Conservation

- 4.57 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity. The site itself has no ecological designation however it is known to be a habitat for wildlife including badgers and foxes.
- 4.58 The applicant has provided a Bat and Badger Survey carried out by Intext Properties Limited dated August 2018. This comments that no evidence of bats were found in the recent survey, however, the trees could provide a sheltered foraging area. It is therefore recommended that there be no artificial lighting facing the street during construction. The survey also comments that a badger path, a snuffle hole and gaps under the fence were observed but that there was no new evidence of badgers using the existing holes on site since the last survey in 2017. To allow badgers to continue to move through the site the report recommends that the existing gaps under the fences be retained. These recommendations are supported by the Councils Parks (ecology) Officer.
- 4.59 It is noted that Natural England has raised no objection to the development of this site subject to the standing advice on protected species. It is considered that a planning condition could be imposed to require the developer to implement these recommendations. An informative is also proposed to remind the applicant of their obligations under the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) which may require them to obtain a licence for construction work. The Councils Parks (ecology) Officer has also recommended that a condition be added requiring a full phase 1 Habitats Survey to be submitted prior to development. Subject to these conditions, the proposal is therefore acceptable and policy compliant in this regard.

Other Matters

Permitted development

- 4.60 It is considered that, given the relationship to the neighbouring properties, lack of space on the frontage and proximity to tree roots, it would be reasonable to restrict permitted development for this these dwellings to enable the Council to fully assess the impact of any extensions and additions to these properties. It is considered that classes A (extensions), B (Roof additions), D (porches), E (incidental buildings) and F (hardsurfacing) should be controlled. This can be achieved via a condition.

Previously withdrawn proposal

- 4.61 It is noted that third party comments have been received which suggest that the proposals have not addressed the concerns of the previously withdrawn proposal reference 18/00154/FUL which was withdrawn following a recommendation for refusal published on the committee agenda. It is the current proposal which is under consideration. In any event the current proposal is materially different to the withdrawn proposal both in terms of its scale and massing and its design approach. The withdrawn proposal had a height of 10.5m, a width of 9.3m and a depth at two storeys of 13.1m. These are all greater than the current proposal. The current proposal is also considered to have addressed the concerns related to the previously unresolved design detail.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.62 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 548 sqm, which may equate to a CIL charge of approximately £39,582.46 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building " test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Conclusion

- 4.63 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene, trees and the locality more widely. The highways impacts of the proposal are also acceptable and it would provide a good standard of amenity for future occupiers. It is considered that this application has overcome the concerns raised by the planning inspector in regard to the previously refused scheme and the current proposal is recommended for approval subject to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF) (2018)
- 5.2 Core Strategy (2007) 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 Management Document (2015) 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 Southend Design & Townscape Guide (2009)

6 Representation Summary

Traffic and Transportation

- 6.1 2 parking off street parking spaces have been provided for each dwelling which is policy compliant. The applicant will be required to apply to highways to construct the vehicle crossovers. It is not considered that the proposal will have a detrimental impact upon the public highway.

Environmental Health

- 6.2 Suggested conditions:

- Construction hours restricted to 8am – 6pm Monday to Friday, 8am to 1pm Saturday and not at all on Sundays or Bank Holidays.
- During Construction and Demolition, there should be No Burning of waste on site. **[Officer Comment: This is controllable under alternative legislation.]**
- Adequate glazing specification to meet BS 8233:2014 internal noise levels will be required so as to mitigate A13 Road Traffic Noise thereby protecting residents and does not impact sleep and rest. **[Officer comment: It is considered that given the distance to the A13, a condition to this affect would be disproportionate.]**

Parks (Tree Section)

- 6.3 The accompanying Arboricultural Method Statement (A.M.S.) DFCEP-3950-03 seems to cover all the relevant points.

Piled foundations along with a floor slab are to be used within the RPA of oaks T19 and T20 growing in the adjacent property in Lime Avenue. Although there is encroachment and excavation within the RPA of these trees it is acceptable due to them having adequate rooting volume available to them, they are also fairly young trees with regard to their species so should be able to tolerate some disturbance.

There is no objection to the pruning of these trees for clearance where required for the construction process where they overhang the site, but whole crown reduction would need the consent of the trees owner.

The parking area has been moved out of the RPA of T21, Liquidambar.

It is important that all recommendations within the A.M.S. are followed by all site personnel to allow successful retention of the trees on this site.

It should be conditioned trees are protected as stated on the Tree Protection Plan and all works are carried out as recommended in the Arboricultural Method Statement. This would include site monitoring and pre commencement meetings.

Parks (Ecology)

Wildlife survey provided with this application is not a full phase one habitat study and the scope of the report was only to assess for bats and badgers.

The survey states that badgers are active in the area but no active sett is on the site. All recommendations within the reports with regard to badgers should be followed.

The survey states that bats could, be sheltering and foraging in the area and it is recommended that no artificial lighting illuminates the Oak trees on the site. This recommendation should be followed.

The nature of the ground, vegetation and piles of arisings on the site could provide suitable habitat for other wildlife, including reptiles. I would recommend that an ecological phase 1 survey is undertaken of the site by a suitably qualified ecologist and submitted prior to the commencement of any development.

Leigh on Sea Town Council

- 6.4 Leigh Town Council object to this proposal as, although there has been a reduction in the size of the houses proposed on this land, it would still potentially be 25 people living in the 3 properties. This would have major impact on the structure of such a highly residential area and with only 6 parking spaces, place demands on an area with existing parking stress.

The Committee recognise that the site will be built on but question the need for 2 x 5 bedroom homes across 3 levels. The houses of the design of House C would be more in keeping with the style of the existing residential properties in the area. In the Committee's opinion an application to build 3 x 4 bedroom houses might be better supported.

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. The Council need assurances that the infrastructure will be able to cope with the high volumes of waste/foul water from 2 x 5 bedroomed houses and 1 x 4 bedroom house 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).

Natural England

- 6.5 Natural England has no comments to make on this application.

Public Consultation

- 6.6 A site notice was displayed and 30 letters sent to neighbouring properties notifying them of the proposal. Objections were received from 10 residents which raised the following issues:
- Harm to neighbour amenity.

- Over development of the site
- Overbearing in terms of mass especially in relation to number 11, this is made worse because of the gradient of the land. The proposal is still over dominant of number 11.
- Loss of light and outlook and unacceptable sense of enclosure for both neighbours
- Unacceptable disturbance of neighbouring amenity areas
- The houses are not modest – three of type C would be a better fit
- The proposed houses are still taller than the neighbours
- The houses would dwarf others in the square
- The houses are wider than previous applications making the development appear bulkier than the surrounding properties
- The proposal is bulky and overbearing
- The proposal would be detrimental to the character and appearance of the surrounding area
- The house designs lack detail
- The proposal is out of keeping with the grain, scale and character of the area
- The traditional design is preferred to the previous scheme
- Two pairs of semi-detached houses would be more appropriate
- The proposal would give rise to road safety concerns during construction
- Inadequate off street parking for such large houses, 3 spaces should be provided
- Loss of on street parking
- The proposal will contribute to additional parking stress in the area which is already suffering from additional school/church parking and displaced parking from the adjacent residents permit area
- Lack of parking may lead to poor parking and cause obstruction e.g. for refuse vehicles and emergency vehicles
- This is an area of parking stress which has resulted in parking on the grass which is damaging the communal gardens
- There is daily badger activity at the site. The badgers and birds must be protected during and after development
- The wildlife statement is inadequate in relation to bats, badgers and bird life and has failed to identify signs of recent use
- A development licence may be required under the Wildlife and Countryside Act (1981)
- Potential long term damage to trees from the development
- The trees must be protected during development – the trees were not protected during the demolition works.
- Any pruning works to the oaks at number 51 Lime Avenue should be carried out selectively and to the whole tree and with the agreement of the tree owner
- A construction management plan is needed
- Concern that heat pumps could damage trees
- Damage to water table from piling
- Increased surface water run off – this area is close to Prittlebrook and sometimes floods
- The foul water system cannot cope with additional capacity
- The development should assess the impacts of development in a floodplain to ensure that it does not cause heave.

- The landscaping and boundaries need to reflect the village character of the square
- Landscaping should be replaced if it dies within 5 years
- Permitted development rights should be removed
- Anomalies in the plans **[Officer Comment: This has now been corrected.]**
- The proposals are more realistic than the previous plans
- The developer has not engaged with the local community
- The proposal has not dealt with the concerns raised in regard to the previously withdrawn proposal

[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 Walker has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

- 7.1 Fell one oak tree (T2) covered by TPO 4/72 T15 and prune 4 oak trees at site (works to trees covered by a tree preservation order) is pending consideration (18/01674/TPO).
- 7.2 Erect three dwelling houses incorporating garages, layout parking to front and form vehicular accesses onto Underwood Square (Amended Proposal) was withdrawn (18/00154/FUL)
- 7.3 Erect three dwelling houses incorporating garages, layout parking to front and form vehicular accesses onto Underwood Square was withdrawn (17/01430/FUL)
- 7.4 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
- 7.5 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 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).

This application was also dismissed at appeal. The appeal decision is appended to this report.

- 7.6 Demolish existing dwellinghouse (Application for Prior Approval for Demolition)- Prior approval was granted (17/00396/DEM)
- 7.7 Crown reduction by 4-5m to five Oak Trees (Works covered by a Tree Preservation Order) was Refused (16/01866/TPO)

8 Recommendation

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

01 The development hereby permitted shall begin not later than three years of the date of this decision

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 385P01A, 385P02B, 385P03C, 385P04, 385P06, 385P07, 16025 (Measured topological survey April 2016), DFCP 3950 TPP (tree protection plan BY Bionomique Ltd dated 17.8.18)

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until product details of the materials to be used on all the external elevations, including walls, roof, fascia and soffits. rooflights, windows and doors, dormer windows, porch canopy, boundary walls and fences, driveway, paving including parking area have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the area, in accordance with policies This is as set out in the National Planning Policy Framework (2018) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The first floor and second floor windows and rooflights in the north and

south elevations of the proposed dwellings shall only 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 up to a height of 1.7m above first floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. 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.

Reason: To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy CP4, Development Management DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level 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 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 of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

06 No drainage infrastructure associated with this development shall be installed until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating

Sustainable Urban Drainage (SuDs) Principles have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;**
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;**
- iii) a timetable for its implementation; and**
- vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.**

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2018), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

07 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, 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 (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

08 The six car parking spaces and the associated vehicular access for the spaces to and from the public highway, shown on approved plan 385P03C shall be provided at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular

accesses to and from the public highway shall thereafter be permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwellings hereby approved.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The tree protection measures as set out in the Arboricultural Report by D F Clarke Bionomique Ltd dated 17.8.18 and associated tree protection plan reference DFCP 3950 TPP, in relation to the Liquidambar street tree to the front, the oaks at 51 Lime Avenue and the preserved oak trees to the rear covered by TPO 4/1972, shall be implemented in full prior to commencement of the development and be retained throughout construction unless otherwise agreed in writing with the local planning authority. The mitigation measures in relation to construction within the root protection areas of the liquidambar street tree and oaks within 51 Lime Avenue set out in the Arboricultural Report shall also be implemented in full during the construction works including supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

10 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

11 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the dwellings. This provision shall be made for the lifetime of

the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

12 The development hereby approved shall be carried out in a manner to ensure each of the dwellinghouses comply with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

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 (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

13 Prior to the commencement of development, a full Phase 1 Habitat Survey of this site and a scheme of any relevant biodiversity mitigation measures to be implemented in association with the development and a timescale for their implementation shall be submitted to the local planning authority and approved in writing. Any mitigation measures set out in the agreed report shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: A pre commencement condition is justified to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

14 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning**

of waste on site.

vii) a detailed timetable for the supervision of works by a qualified arboriculturalist.

Reason: A pre commencement condition is justified in the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

15 Construction Hours shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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.

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

03 The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including badgers and bats. A Protected Species Licence may be required.

04 The applicant is advised to contact the owners of 51 Lime Avenue before undertaking any works to the oaks trees T19 and T20 (as identified in the submitted arboricultural report) so that a scope of works can be jointly agreed.

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.