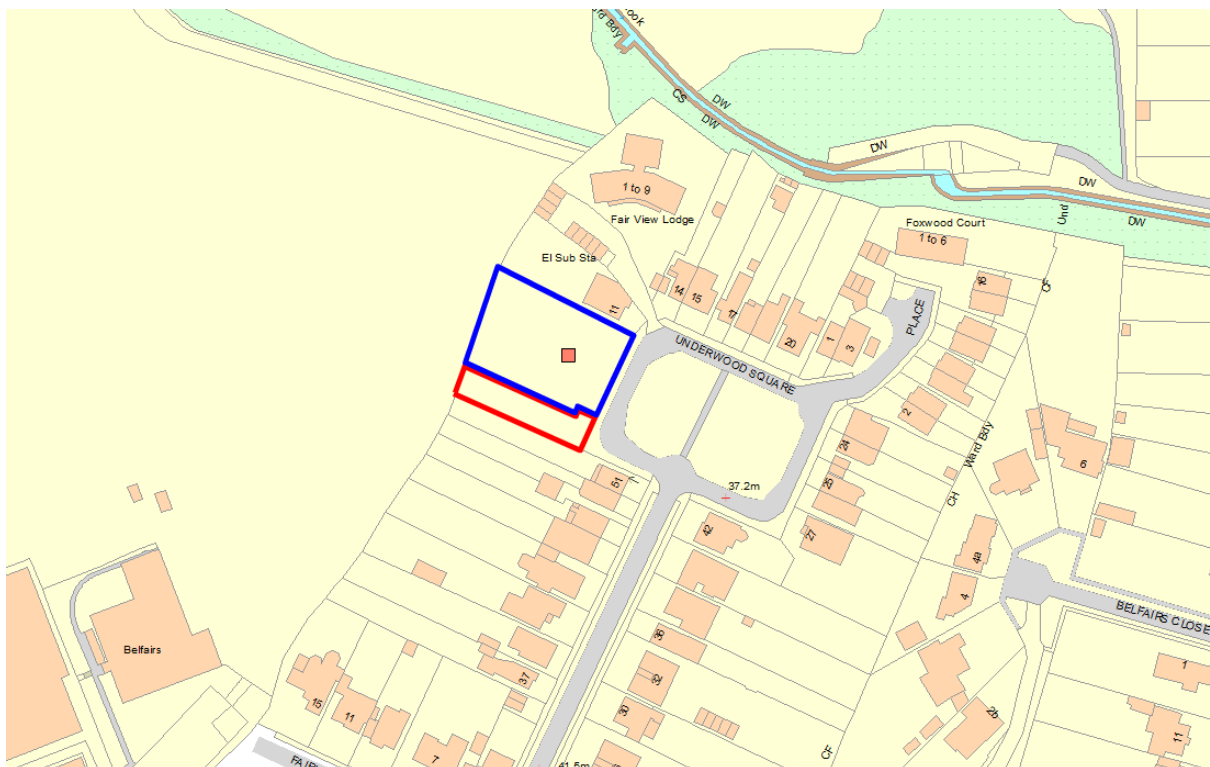


Reference:	19/02143/FUL	
Application Type:	Full Application	
Ward:	West Leigh	
Proposal:	Erect No.1 5 bedroom detached dwellinghouse, layout parking to front with associated crossover onto Underwood Square (Amended Proposal)	
Address:	Development Land, Underwood Square, Leigh-On-Sea	
Applicant:	Mr G Newton	
Agent:	Steven Kearney of SKArchitects	
Consultation Expiry:	26 th December 2019	
Expiry Date:	10 th February 2020	
Case Officer:	Abbie Greenwood	
Plan Nos:	385-P600, 385-P601, 385-P602, Design and Access Statement, Bat and Badger Survey by Essex Mammals Survey dated November 2019, Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019, 1874-02-P1 (Tree Retention and Protection Plan)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 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 number of street trees and a number of mature oak trees on the rear (west) boundary of the application site and in neighbouring gardens.
- 1.2 The site was formerly occupied by a single detached house which was demolished in 2017. The plot is of a significant size taking up almost the entire 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 detached house of traditional design. For the purposes of this application the plot of the former Haydon House has been split into two. The current application for 1 detached house relates to the southern quarter of the site only. The rest of the site is subject to a separate application for 2 pairs of semi-detached houses which is pending consideration reference 19/02289/FUL. Both the current applications for this site are amended proposals following the refusal of two previous schemes in 2019.
- 1.3 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 with Lime Avenue and is enclosed by the flank elevations of the northern most properties in Lime Avenue.
- 1.4 There are slight changes in levels north to south across the wider 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 or detached. To the rear of the site is Belfairs School playing fields and Belfairs Woods beyond.
- 1.5 The central square is designated as protected green space. The large oak trees on the western boundary of the site are protected by Tree Preservation Order 4/72. There are no other policy or heritage designations in the vicinity of the site.

2 The Proposal

- 2.1 The proposal seeks to build a 2 storey detached house with accommodation in the roof space. The house will have five double bedrooms and measures 7m wide, 13.1m deep at two storeys and has a further 3.6m single storey conservatory to the rear. The property will be 10.7m tall with an eaves height of 6m and a maximum height of 10.9m including the chimney. 3 triangular dormers are proposed to the roof, two on the north flank and one on the south, which each measure 3.6m wide, 2.1m tall and 1.7m deep. The property has an internal area of 233 sqm. These are the same measurements as the previous scheme.
- 2.2 The proposal will be constructed of brick and render with feature burnt larch timber cladding, clay peg tiles and powder coated aluminium windows.

- 2.3 Two off street parking spaces are proposed to the frontage accessed by a new crossover to Underwood Square. An amenity area of 196.3 sqm is proposed to the rear.
- 2.4 This application is an amended proposal following the refusal of application reference 19/01446/FUL which also sought to erect a two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square. That application was refused for the following reasons:

01 The proposal by reason of its scale, design, position and closeness to the site's southern boundary would create a cramped relationship with the setting of the dwelling at 51 Lime Avenue which would be materially harmful to the character and appearance of the streetscene and wider surroundings. This would be unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

02 The proposal would by reason of its scale, design, position and closeness to the site's southern boundary create an undue sense of enclosure for the rear garden setting of the adjoining dwelling 51 Lime Avenue thereby harming the amenity of its occupiers. This would be unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

03 The proposal by reason of the out of date nature of the ecology survey has failed to demonstrate that the proposal would not harm ecology at the site. This is unacceptable and contrary to the National Planning Policy Framework (2019), policy KP2 of the Core Strategy (2007) and policy DM2 of the Development Management Document (2015).

- 2.5 An appeal has been submitted in relation to this application and is yet to be decided.
- 2.6 In order to address these reasons for refusal in this revised application the following amendments have been made:
- The proposed house has been moved 450mm further north than the previously refused scheme. The distance from the southern boundary has therefore changed from 2.15m to 2.6m (measured from the same point in both applications). The distance to the northern boundary has subsequently reduced from 1.3m to 1m and the width of the site has increased from 10.5m to 10.6m
 - The Bat and Badger Survey has been updated since the previous refusal and is now dated November 2019.
- 2.7 In all other aspects, including design and scale, the proposal remains the same as the previously refused scheme.
- 2.8 It is noted that a second amended application is pending consideration for the northern section of the site. That proposal, reference 19/02289/FUL, seeks to erect 4 semi-detached houses on the rest of the development site. This is also an amended application following a refusal for a similar scheme in 2019 (reference 19/01749/FUL). Whilst that proposed scheme is useful in envisaging future possibilities for the site as a whole, the semi-detached houses do not form part of this application.

They will be considered on their individual merits under the separate pending application which will be presented at committee. The proposal in this case, too, must be judged in relative isolation and on its individual merits.

3 Relevant Planning History

- 3.1 19/02289/FUL – Erect 4no two storey semi-detached dwelling houses with associated landscaping and amenities, layout parking to front and form vehicular accesses on to Underwood Square (amended proposal) – pending consideration.
- 3.2 19/01446/FUL - Erect two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square – refused
- 3.3 19/01749/FUL – Erect 4no two storey detached dwelling houses, layout parking to front and form vehicular accesses onto Underwood Square - refused.
- 3.4 18/02308/FUL – Erect chalet at northern end of the site, layout parking to front and form vehicular access onto Underwood Square – refused
- 3.5 18/01674/TPO – Prune 4 oak trees at site (works to trees covered by a tree preservation order) – granted.
- 3.6 18/01063/FUL- Erect three dwellinghouses, layout parking to front and form vehicular accesses on to Underwood Square (Amended Proposal) – granted
- 3.7 17/01361/TPO - Crown lift, prune and removal of deadwood to various oak trees (works to trees covered by a tree preservation order) – granted
- 3.8 17/00396/DEM – Demolish existing dwellinghouse (Application for Prior Approval for Demolition) – Prior Approval Granted
- 3.9 17/00234/FUL - Demolish existing dwelling house and erect 4no two storey dwelling houses, form vehicular accesses on to Underwood Square – refused and dismissed at appeal. A copy of the appeal decision can be found at Appendix 1.
- 3.10 16/01866/TPO - Crown reduction by 4-5m to five Oak Trees (Works covered by a Tree Preservation Order) - refused.

4 Representation Summary

Public Consultation

- 4.1 5 neighbouring properties were consulted and a site notice displayed. Neighbours were consulted 3 times during the process of the application including on additional information received. 10 letters of representation have been received from 6 households raising the following issues:
 - The proposal is similar to the previously refused appeal scheme and has only addressed one of the reasons for refusal
 - The cumulative impact of the applications needs to be considered - the density of the combined schemes is too much
 - The sites needs to be considered as one as they are interrelated

- A comprehensive scheme should be developed for the site
- The proposal is no different from the previous reasons for refusal
- The proposal is an over development of the site
- The proposal has no regard for the trees
- The proposal will still appear cramped as it has moved towards the northern boundary so will be closer to the other proposed houses
- The proposal will be overbearing
- The proposal is still too close to 51
- Loss of privacy for 51
- Impact on wildlife
- Impact on parking and congestion in the area
- A change of 450mm will have no impact on the grain and character of the area
- The previous appeal raised issues with the scale of the development as a whole so this needs to be considered with the other site
- Concerns over height, scale and dominance of the design
- The proposals together would constitute over development
- Root protection information is missing
- Impact on existing drainage system
- Anglian water should be consulted
- The developer has not engaged with the neighbours
- The site dimensions are incorrect and the proposed dimensions are incorrect in relation to 51
- The southern flank is now in line with the appeal scheme but this does not materially change the overlooking impact on 51
- There is still a cramped relationship with 51
- The proposal is over scaled in height and volume compared to other houses in the vicinity
- Impact on neighbour amenity
- Impact on access and highway safety
- Concern over the visual impact of parking
- Loss of view to a public space
- Loss of active frontage
- The parking does not work if 3 cars are parked on the frontage
- Impact on all trees
- The badger survey is incorrect there has been recent activity on the site
- Unacceptable sense of enclosure for number 51
- The proposal has failed to demonstrate that it would not give rise to overlooking
- The parking is unworkable
- The forecourt is dominated by hardsurfacing which is detrimental to the streetscene
- The parking area will cause a nuisance to number 51
- Impact on oak trees at 51 and roots of the street tree
- A phase I habitat survey is needed for this site
- The proposal will have a detrimental impact on the landscape and natural beauty of Underwood Square

[Officer Comment: These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

Leigh Town Council

4.2 Leigh Town Council object to the proposal on the following grounds:

- Design, bulk, mass size out of keeping with the area
- Overbearing relationship with number 51 Lime Avenue which will result in visual enclosure and loss of light and outlook
- Failure to provide information in relation to sewerage
- The parking design is not suitable

Highways Team

4.3 No objections.

Environmental Health

4.4 No objections subject to conditions

Parks

4.5 No objections subject to conditions relating to tree protection measures and construction mitigation.

Natural England

4.6 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

Essex Badger Protection Group

4.7 The Essex Badger Protection Group object to the proposal because their records indicate that the badger sett in this area may be more active than the submitted Bat and Badger Survey suggests. On this basis they recommend that a further study is carried out. This will need to include a camera trap survey to ascertain whether the sett on site is active and whether badgers are crossing the site and details of mitigation measures to protect badgers on and crossing the site during construction and after completion of the development. The applicant will also require a licence prior to commencement of any works.

4.8 The proposal was called to committee by Councillor Walker.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

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 Design & Townscape Guide (2009)
- 5.5 Vehicle Crossing Policy & Application Guidance (2014)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 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 trees and CIL.
- 6.2 It is noted that there is extensive history for this site including a refused application and subsequent dismissed appeal in 2017 (reference 17/00234/FUL) for 4 houses which were of virtually the same individual design as the current proposal. The appraisal of this scheme will therefore need to give significant weight to this appeal decision in particular the basis of the Inspectorate's finding on the individual considerations raised by that proposal notwithstanding that the appeal was, overall, dismissed. A later application for 3 large houses in 2018 (reference 18/01063/FUL) which was granted planning permission is also a relevant consideration of significant weight.
- 6.3 As noted above, this is an amended application and the previous application for a 5 bed dwelling house on this site which was refused will also be a material consideration. The pending proposal and previous refusal for 4 semi-detached houses on the northern section of the site can be given no significant weight as the former was refused and the latter has not been determined.

7 Appraisal

Principle of Development

- 7.1 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. In relation to the efficient use of land Paragraph 122 states:

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

- 7.2 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"*.
- 7.3 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.
- 7.4 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"*
- 7.5 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
- 7.6 The site is in a residential area which comprises of mainly family housing. There is therefore no objection in principle to family sized house 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 previous appeal and was accepted in relation to the approval for 3 houses at the site reference 18/01063/FUL.
- 7.7 The wider site previously accommodated a single 4 bedroom detached dwellinghouse. This application proposes a single 5 bed house on the southern end of the site. An additional amended application for 2 pairs of semi-detached houses on the northern section of the site is pending consideration (reference 19/02289/FUL). The principle of providing a more intensive use of the wider site needs to take into account NPPF paragraph 122 above which requires Council's to make efficient use of land. The density and scale of development is discussed in more detail below and will be a key consideration in the application for the northern section of the site. It should be noted, however, that this application relates to the single property only so the indicative proposals for the remainder of the site cannot be given significant weight in this appraisal as there is no current planning permission for the reduced site to the north. Both the current application and any application for the adjacent site should each be considered on their individual merits. The principle of residential development on this site is therefore considered to be acceptable.

Design and Impact on the Character of the Area

- 7.8 *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.’*
- 7.9 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.*”
- 7.10 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.”*

Scale, Form and Impact on the wider Streetscene

- 7.11 As noted above the previous application for a 5 bed house on an almost identical site was refused because it was considered that the ‘*scale, design, position and closeness to the site’s southern boundary would create a cramped relationship with the setting of the dwelling at 51 Lime Avenue which would be materially harmful to the character and appearance of the streetscene and wider surroundings.*’ The design and scale of the proposed house remains the same as the previously refused scheme but, in order to address this reason for refusal, the position of the proposed house has been shifted 450mm northwards. This figure has been chosen by the agent because it places the proposal back in the same position as the southernmost house in the scheme approved under 17/00234/FUL. That application was for 4 detached houses on the wider site of 10 Underwood Square. Those 4 appeal houses were the same design as that currently proposed except for the entrance arrangement, which was initially proposed as linked porches and is now changed to a side entrance, and the inclusion of a window to the staircase. That 2017 proposal was dismissed at appeal. A copy of the decision is attached as Appendix 1. In regards to the scale and form of the proposal and its relationship in the wider streetscene the inspector raised the following concerns:

9. The new dwellings’ front building line would be constant and would roughly align with that of No 11. However, despite the height difference, the distance between the facing flank walls of No 11 and House 4 would be only slightly greater than that between Houses 1 and 2 and also Houses 3 and 4. This would make for an awkward relationship with the existing dwelling. However, considering that No 51 Lime Avenue is substantially forward of the intended building line, despite its relatively lower ridgeline, I do not find any significant visual conflict would result from this particular relationship.

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.

- 7.12 It is clear from these comments that the inspector had concerns in relation to the overall impact of the scale and massing of the 4 houses as a group in the wider streetscene as well as their relationship with number 11 which has a significantly lower ridge height than the proposed houses and which would be in the same grouping. The inspector did not however have a concern about the scale relationship between the southernmost property and number 51 Lime Avenue because of the forward positioning of number 51 Lime Avenue in relation to the application site. It is also noted that number 51 Lime Avenue is a part of a more substantial pair of semi-detached properties which is noticeably taller than number 11 Underwood Square.
- 7.13 The current proposal is for one house only of an almost identical design to the 2017 appeal houses. The current application is the same scale and form and is situated in the same position as the southernmost house of the appeal scheme so is the same distance from the south boundary with number 51 as the appeal scheme at 2.6m. Therefore, in terms of the visual relationship with number 51 Lime Avenue, the proposal is the same as the appeal scheme. The only difference between the applications is the entrance design but this has no material bearing on the overall scale of the proposal or its relationship with number 51. The inspector did not '*find any significant visual conflict would result from this particular relationship*' and this opinion must be given significant weight in this determination.
- 7.14 As noted above a second application for 4 semi-detached houses is pending for the northern section of the site. As those proposed semi-detached properties do not have planning permission, they can be afforded no significant weight in the determination of this application. The amended position of the proposed house will bring it closer to the northern boundary of the site and a 1m separation to the boundary is proposed on this side. The amended proposal for the neighbouring site also shows a 1m separation to the same boundary which would result in a 2m separation between the properties in the event that both were granted planning permission and constructed. Looking at the surrounding area it is also noted that there are a variety of building spacings around the square including one as narrow as 1.2m and several of between 2 and 3m as well as some wider separations which include single storey garages and parking spaces in between the properties. This variety is part of the character of this area.
- 7.15 It is also noted that the separation distance between the 2 pairs of semi-detached houses proposed in the recent refusal on the northern part of the site was also 2m. This application was not refused because it was considered that the houses were too closely spaced or resulted in a cramped streetscene. The amended application on this site, also for 2 pairs of semi-detached houses, has maintained this arrangement and will be considered separately and on its merits.

It is therefore considered that a separation of 1m to the northern boundary of the site and a spacing of 2m between the proposed dwellings and a new house on the wider site would not be out of character in the wider streetscene.

- 7.16 Overall therefore it is considered that the amended proposal is consistent with the 2017 appeal in regards to the visual relationship and spacing in the streetscene with number 51 Lime Avenue. As this relationship was not raised as a concern by the planning inspector in the appeal and this carries significant weight in the assessment of the relevant factors, as the site circumstances have not altered in any material way and there have been no material changes to policy since this time, that aspect of the proposal can be considered to be acceptable. The proposal has therefore overcomes reason for refusal 01 of 19/01446/FUL.

Design Detail

- 7.17 The design detail of the proposed house remains the same as the previous proposal for this site. No objections were previously raised to the detailed design of the property and this therefore remains acceptable and the proposal is policy compliant in this regard.
- 7.18 Limited information has been provided in relation to the design of the parking area including indicative areas for landscaping and the design is the same as the previously refused application in this respect. No issues were previously raised in relation to this aspect of the proposal subject to the landscaping and tree protection details being agreed. This issue similarly remains acceptable subject to these conditions.
- 7.19 Overall therefore, attaching significant weight to the basis of the 2017 appeal findings, it is considered that the design, scale and form of the proposal has overcome the previous reason for refusal in relation the relationship with number 51 Lime Avenue and the resultant cramped appearance of the streetscene and the design of the proposal overall is acceptable and policy compliant in respect of design and character matters.

Standard of Accommodation for Future Occupiers

Delivering high quality homes is a key objective of the NPPF.

- 7.20 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 and Quality of Habitable Rooms.

- 7.21 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. There is no size given for a 3 storey, 5 bed 10 person house as it is assumed that not all the doubles will be occupied by 2 people for a single household. 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

- 7.22 The proposal would have a net internal area of approximately 234sqm which is well in excess of the standard for an 8 person dwelling. The dimensions of the proposed bedrooms are also well over the minimum standards. All habitable rooms would benefit from good outlook and daylight. The proposal is therefore acceptable in these regards.

M4(2) – Accessibility

- 7.23 Development Management Policy DM8 requires all new homes to be accessible for all 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 Design and Access Statement makes a commitment to providing accessible and adaptable homes. This requirement can also be secured by a condition requiring full compliance with M4(2).

Amenity Provision

- 7.24 A garden of 196.3 sqm is proposed to the rear of the dwelling. It is considered that this will comfortably meet the needs of a large family dwelling.
- 7.25 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.

Impact on Residential Amenity

- 7.26 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.”*

Impact on light and outlook and sense of enclosure

- 7.27 The proposal only has one existing neighbour number 51 Lime Avenue to the south. The site is set significantly further west than number 51 but shares a boundary with its rear garden. Number 51 Lime Avenue is set 10m south of the proposed dwelling and is 1.5m to the south of this shared boundary. The front elevation of the proposal therefore does not overlap with the rear elevation of this neighbour.
- 7.28 The proposal has a depth of 13.1m at two storeys and a further 3.6m at single storey on this side. It has an eaves height of 6m and a ridge height of 10.7m. It is set 2.6m from the boundary with the neighbouring rear garden.
- 7.29 The previous application was refused because it was considered that the scale, design and closeness of the proposal to the site's southern boundary would *‘create an undue sense of enclosure for the rear garden setting of the adjoining dwelling 51 Lime Avenue thereby harming the amenity of its occupiers.’* The proposal has been amended to increase the separation to the southern boundary by 450mm from 2.15m to 2.6m. This is the same separation distance as the southernmost house in application 17/00234/FUL, a previous proposal for 4 houses on the wider site which was dismissed at appeal.

This appeal was dismissed on design and on the impact on the amenities of occupiers of number 11 Underwood Square only but not on the impact on the amenities of occupiers of number 51 Lime Avenue. It is important to note that the only difference between the current proposal and the appeal scheme is the design of the front entrance and the addition of a staircase window on the southern elevation. In all other respects including siting, scale and separation to the boundary the proposal is the same as the appeal scheme. In relation to the impact on this neighbour the planning inspector stated:

15..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.

- 7.30 The inspector therefore raised no concerns in relation to the impact of the appeal scheme on the amenities of the occupiers of number 51 Lime Avenue in all respects including impact on their privacy, light, sense of enclosure and outlook. There have been no material policy changes since this decision was made nor any material change in the site circumstances. It therefore carries significant weight in the determination of the impacts of the current proposal on the amenities of the occupants of number 51.
- 7.31 Planning approval 18/01063/FUL for 3 large detached houses on the wider site, is also of relevance and a material consideration in this instance. The southernmost house in this approval was set 2.5m from the southern boundary and was judged to have an acceptable impact on the amenities of these neighbours.
- 7.32 It is therefore considered that, given the current proposal has the same relationship as the 2017 appeal scheme and is further from the boundary than the 2018 approval, and that there have been no material changes in policy in this area since the determination of these applications nor any material change in the sites circumstances, the impact of the proposal in terms of light, outlook and sense of enclosure to number 51 Lime Avenue is acceptable. It is therefore considered that reason for refusal 02 has been overcome.
- 7.33 The application site currently has no neighbours to the north side, however, as noted above, there is an application pending for this site (reference 19/02289/FUL) and this is also a material consideration although it has very limited weight given that no planning permission exists for that particular development. The current proposal is set 1m from the northern boundary. The southernmost house in the pending proposal for the neighbouring site is also set 1m from this boundary. The two houses have the same front building line. The application proposal extends 2.5m past the rear building line of the proposed house on the neighbouring site but at single storey only. Given the potential separation distance between the properties, this relationship is considered reasonable in terms of light, outlook and sense of enclosure.
- 7.34 Overall therefore it is considered that the application proposal would have an acceptable impact on the light, outlook and sense of enclosure for neighbouring properties and the proposal is acceptable and policy compliant in this regard.

Impact on Privacy and Overlooking

- 7.35 The separation distance between the first floor front windows of the proposal and the rear windows of 51 Lime Avenue is over 14m. The proposal is offset from this neighbour by around 30 degrees. This is the same arrangement as was proposed for the 2017 appeal scheme. The inspector did not have any concerns regarding overlooking or loss of privacy for the occupants of number 51 Lime Avenue and there have been no material changes in policy or circumstance since this time. This relationship therefore remains acceptable with the current proposal in terms of impact on privacy of number 51 Lime Avenue.
- 7.36 It is noted that there is a material change between the appeal scheme and the current proposal in terms of the proposed fenestration to the southern flank where a large window has been introduced to the staircase. If left clear this could result in harmful overlooking of the neighbouring amenity space which would be unacceptable. However, as it serves a non-habitable space, this window can be reasonably conditioned to be obscure glazed. The same applies for the proposed dormer window on this side which is a secondary window to the rear second floor bedroom. This window also can be obscure glazed to prevent direct overlooking of the neighbouring garden. Subject to this condition, and given the separation distance and offset alignments between the first floor front windows and rear elevation of number 51, it is considered that the proposal would not give rise to unacceptable overlooking or loss of privacy of number 51.
- 7.37 In relation to the pending site to the north it is noted that there are 2 dormers and 2 small windows on the northern elevation of the proposal which have the potential to cause overlooking of this site, however, these windows are either secondary windows to habitable rooms or to bathrooms and can therefore be conditioned to be obscure glazed without impacting on the quality of accommodation of future occupiers. This would ensure that the development site to the north is not overlooked to any harmful extent.

Impact on other neighbours

- 7.38 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
- 7.39 In relation to noise and disturbance, it is not considered the increased activity associated with the proposed development and subsequent development on the remainder of the site, 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.
- 7.40 Overall therefore it is considered subject to a condition requiring obscure glazing to the upper windows on the flank elevations to protect the privacy of number 51 and the potential neighbours to the north, the proposal will have an acceptable impact on the amenities of neighbours and is policy compliant in this regard

Traffic and Transportation Issues

- 7.41 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 a new vehicle crossover (4.8m wide) and two parking spaces on the frontage which are arranged at right angles to the crossover. This meets the policy requirements in terms of number of spaces required. The Council's Highways Officer has not raised any objections in this regard or to the layout of the parking area.
- 7.42 The formation of additional crossovers will inevitably result in the loss of some on street parking to the front of the site but this will be the case for any development on this site and no objections have been raised by the Council's Highway Officer in relation to this issue. Most other properties on the square have their own crossover. Taking into account the benefits of new housing in this location, no objection is raised to the proposed parking arrangements and the proposal is policy compliant in this regard.
- 7.43 The submitted plans do not show details of refuse or cycle storage however, as a large dwelling house with a large garden it is considered that there is sufficient scope for these to be provided to the rear of the property. The proposal is therefore acceptable and policy compliant in these regards.

Construction Management Plan

- 7.44 A number of concerns have been raised by objectors in regard to construction management including the burning of waste, access for construction vehicles and impact on access to neighbouring properties. Whilst a construction management plan would not normally be sought for a single house, in these particular circumstances, given the proximity of the large street trees to the pavement edge and the potential for damage by construction traffic without a clear access plan, it is considered that it would be prudent to require a construction management plan to be submitted so that routes and access and other issues can be considered. This can be controlled by a condition requiring the developer to submit a Construction Management Plan. A condition relating to hours of construction can also be imposed. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in the above regards.

Impact on Trees

- 7.45 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. The large trees in this area are a key feature and important to local character.
- 7.46 An Arboricultural Statement has been submitted with the application. The report confirms that the development would be outside of the root protection area of the preserved oak trees to the rear of the site but that it would be located marginally within the root protection area of the two semi mature oak trees in the garden of 51 Lime Avenue and the forecourt parking area and boundary to this property falls partly within the root protection area of the adjacent street tree. The oaks at number 51 are not covered by preservation orders although a request has been received from the owner of the trees for the Council to consider serving a TPO on these trees.

(This request will be considered separately to this application and on its own merits based on a standard assessment method). These oaks are partly hidden in the streetscene by the street tree which is a large and prominent specimen and which makes a significant and positive contribution to the character of the area.

- 7.47 The tree report has assessed the impact of the proposal on the surrounding trees. The closest trees to the proposal are the two oaks within the rear garden of 51 Lime Avenue. The proposal would be located beneath the crowns of these trees to a small degree and a limited amount of crown lifting works will be required to enable the scaffolding to be erected. The exact amount has yet to be determined and is proposed to be agreed through a pre-commencement condition. The report also comments that seasonal leaf litter from these trees may present a nuisance to future occupiers of the development but this can be mitigated by the installation of gutter brushes. This can be required by condition, however, lateral reduction of overhanging branches at regular intervals is also likely to be sought in the future by the new occupiers. In relation to the roots of these trees there would be a minor encroachment into the root protection areas and the report recommends that excavation in this area is supervised by a suitably qualified arboriculturalist during the formation of the foundations at the initial stage of construction. In relation to these trees the report concludes that *'it is not thought that, given the dimensions and nature of the encroachments, the development presents a significant detrimental impact on the long term retention of these trees.'*
- 7.48 In relation to the impact on the street tree to the front of the site the report confirms that the proposed parking area will encroach onto the root protection area but that this encroachment will be below the recommended maximum 20% coverage for new surfaces. To mitigate the impact of this encroachment it is proposed that the parking surface be constructed above the existing ground levels using no-dig methodology which involves laying a permeable cellular surface on top of the existing ground levels. The new crossover and driveway will be ramped up to this level. It is also recommended that the installation of this surface is supervised by a suitably qualified arboriculturalist and a structural engineer. Full design details for this element of the proposal and levels for the proposed surfacing and the wider site could be controlled by condition.
- 7.49 The report confirms that the proposal will not impact on the preserved oak trees to the rear boundary.
- 7.50 In relation to tree protection during construction the report includes a plan of protective fencing to delineate the construction exclusion zone. Given the nature of the site proposed layout it is not possible for the entire root protection areas to be contained within the fenced exclusion zone so where root protection areas are exposed it is proposed to install temporary ground protection in the form of steel sheets or scaffold boards laid across the affected area. The report includes a Method Statement for all these mitigation and protection measures.
- 7.51 In relation to the impact on the surrounding trees the Arboricultural Statement submitted with the application concludes that, subject to the specified mitigation measures, the development will not cause material harm to these trees. The Council's Arboricultural Officer has reviewed the tree report and recommended mitigation and protection measures and has provided the following comments:

'The proposed siting of the dwelling encroaches into the Root Protection Areas (RPA's) of 3 trees. 2 young, but fairly substantial oak trees T8, and T9 in the adjacent property

and a mature Liquidambar T10 (owned by SBC) to the front within the highway. The default position (BS 5837: Trees in relation to design, demolition and construction 2012) states that structures should be outside of the RPA, unless there is an overriding justification to construct within an RPA. The purpose of the RPA is to allow for adequate soil volume to be retained and to some extent ensures dwellings are not constructed too close to trees in the absence of above ground constraints not being considered. It should be borne in mind large trees in close proximity to new dwellings can lead to post development pressure to prune or for the removal of trees.

With regard to T10, Liquidambar. In my opinion it is likely a large proportion of the root system could be located within the development site, due to the hard surface of the road and public footpath. These areas being less hospitable to root growth than the development site, which if I recall correctly was largely laid to lawn. The proposal for the cellular confinement system for parking spaces is acceptable as long as it is achievable with the existing undisturbed soil levels. At present the parking bays cover 9.9% of the RPA which is within the 20% maximum recommended within BS5837. It would appear the proposed cross over from the road is just inside the RPA of T10 so the impact of this would be minimal.

The oaks, T8 and T9 overhang the site and would require pruning to facilitate the construction. There is also an incursion into the RPAs of these trees which appears to be relatively minor and these trees have a large volume of available soil within the garden they occupy. Although I doubt construction would cause significant damage to the trees due to root severance it is not ideal. It is assumed the foundation dig will exactly follow the line of the footprint and strip foundations are proposed so no further incursion into the RPA will be required. The dwelling is being built under the crowns of T8 and T9 and future conflict will need to be considered as would foundation design with regard to future possible subsidence.

The location of all services will need to be provided as would a detailed method statement for the installation of the cellular confinement system. All works, site supervision and tree protection should be carried out as detailed in the Arboricultural Report by Owen Allpress ref 1874 dated 24th October 2019. Also subsequent site monitoring reports should be made available.'

- 7.52 In considering the acceptability of the siting of the development it is also relevant to attach significant weight to the planning history of the site in relation to this issue. The only approval on this site for 3 large houses is application reference 18/01063/FUL. In this application the southernmost house was located 2.5m from the southern boundary with 51 Lime Avenue. It is also noted that the forecourt parking area was located outside the root protection area of the street tree.
- 7.53 Also of relevance are the findings material to the appeal scheme reference 17/00234/FUL. In this instance the same design of house as currently proposed was to be sited in the same location as the current proposal, 2.6m from the southern boundary with 51 Lime Avenue and the forecourt parking spaces were partially located within the root protection area of the street tree. Although the appeal on this site was dismissed, this was solely in relation to the impact on the character of the area and the impact on the amenities of number 11 Underwood Square. No objections were raised by the inspector in relation to the impact on trees. The findings on both these applications are material considerations of significant weight in relation to the impact on these trees.

- 7.54 Although it is recognised that there will be some impact on the surrounding trees, it is noted that the previously refused application was not refused because of this impact and in that case the proposed dwelling was some 450mm nearer to the boundary than now proposed because it was considered that the impact was within acceptable limits and could be satisfactorily mitigated through protection measures and construction methods which can be controlled via conditions.
- 7.55 It is noted that the submitted report is unchanged from the previously refused proposal and therefore relates to the closer siting of the proposed dwelling to the south boundary. The amended proposal will therefore have a reduced impact on the root protection areas of the two oak trees at number 51 Lime Avenue and this is recognised as being an improvement to the previously refused proposal.
- 7.56 On balance, therefore, it is considered that given the planning history of the site and the mitigation measures proposed, the impact on the trees can be considered acceptable subject to conditions relating to tree protection during development, construction within the root protection areas to be supervised by a qualified arboriculturalist and the installation of a permeable no dig cellular parking surface. The proposal is therefore considered to have an acceptable impact on the surrounding trees subject to these conditions and is policy compliant in this regard.

Ecology

- 7.57 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 and falls within the zone of influence of one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) .
- 7.58 The previous 2019 application on this site was submitted with a Bat and Badger Survey which dated from October 2018. That application was refused because it was considered that '*the out of date nature of the ecology survey has failed to demonstrate that the proposal would not harm ecology at the site.*' The applicant has provided an updated Bat and Badger Survey, prepared by Essex Mammal Surveys dated November 2019. This comments that no evidence of bats were found in the survey, however, the trees could provide a sheltered foraging area. 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 previous surveys in 2018 and 2017. To allow badgers to continue to move through the site the report recommends that the existing gaps under the fences be retained.
- 7.59 The Essex Badger Protection Group has indicated that their records suggest that the badger sett in this area may be more active than the submitted Bat and Badger Survey suggests and that this could be confirmed with a camera trap survey. On this basis they recommend that a further more detailed wildlife study is carried out however it is noted that the proposed tree protection fencing will effectively cordon off nearly half the site to the depth of the largest tree canopy and this will also serve to protect badgers during construction. There would still be a requirement to provide full details of mitigation measures to protect badgers on and crossing the site. This has been required via condition.

- 7.60 It is noted that the Badger Survey is the same survey as was submitted in relation to the most recent refusal at the site for the 4 semi-detached houses on the northern section of the site (reference 19/02289/FUL). That updated report was commissioned following the refusal for the single house reference 19/01446/FUL in response to reason for refusal 03. Although application 19/02289/FUL was ultimately refused, it was considered that the updated Bat and Badger Report had addressed concerns raised in relation to this issue for the wider site and a similar reason for refusal was not added in that case. Approximately 2-3 months have passed since this survey was carried out (1 month since the submission of this application). This is reasonable for this type of survey and the submitted report is therefore not out of date. It is still considered that more detail should be provided in relation to the wildlife mitigation measures at the site which can be required by condition, but it is considered that sufficient up to date information has been submitted to reasonably address reason for refusal 03. This aspect of the proposal is now considered to be acceptable subject to conditions.
- 7.61 Natural England have suggested that the site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 7.62 Any new residential development at this site has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The CIL contribution for this site will include a contribution towards mitigation measures at a local wildlife site. Subject to this mitigation it is considered that the requirements of the habitat regulations are fully met by the proposal.
- 7.63 Overall therefore the ecological implications of the site can be considered acceptable and policy compliant subject to the appropriate conditions and CIL contributions.

Sustainability

- 7.64 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.
- 7.65 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.

- 7.66 It is considered that, for a scheme of this magnitude, 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 subject to conditions.

Drainage

- 7.67 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.
- 7.68 The site is located in flood risk zone 1 (low risk). No information has been provided regarding drainage. A condition can 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, subject to that condition.

Permitted Development

- 7.69 Given the potential impact on neighbouring properties, it is considered appropriate in this case to remove permitted development rights so that the implications of any extension on neighbours can be fully assessed if extensions are proposed in the future. This can be achieved by way of a condition.

Community Infrastructure Levy (CIL)

- 7.70 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 234 sqm, which may equate to a CIL charge of approximately £ 18036.00 (subject to confirmation).

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, and attaching significant weight to the basis of the previous planning application and planning appeal decisions relevant to the site the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance on balance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking, highways or ecology impacts caused by the proposed development. This amended application has overcome the 3 reasons for refusal in relation to the previous application reference 19/01446/FUL. This application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 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 385-P600, 385-P601, 385-P602**

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, gable, roof, fascia and soffits, windows and doors, dormer windows, canopy, chimney, boundary walls and fences, driveway including parking area have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details before it is brought into use.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) 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 in the north and south elevations of the approved dwelling 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 not less than 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 (2019), Core Strategy (2007) policy CP4, Development Management Document (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. details of any means of enclosure for all boundaries of the site including the design of mitigation measures to enable badgers to cross the site;**
- ii. detailed design, including sections, of the whole of the proposed forecourt parking area including site levels, planting areas and details of hard surfacing materials and cellular confinement system;**
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- iv. 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 undertaken 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.

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 (2019), 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 extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D and E 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 (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

- 08 The two car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 385-P600 shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.**

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 (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

- 09 The tree and tree root protection measures as set out in Section 4 of the submitted Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019 and associated tree protection plan reference 1874-02-P1 in relation to the trees identified as T1-T10 in this statement shall be implemented in full prior to commencement of the development and be retained throughout the construction phase of the development. The mitigation measures in relation to construction within the root protection areas of the trees denoted as T8, T9 and T10 in the Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019 shall also be implemented in full during the construction works, including supervision of works by a qualified arboriculturalist. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.**

Reason: A 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 the commencement of the development the following information shall be submitted to and approved in writing by the local planning authority:**
- i. Full details of the proposed tree works to trees T8 and T9 as identified in the submitted Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019.**
 - ii. Full design and construction details of the cellular confinement installation for the forecourt parking area including information on levels and the crossover referred to in the Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24th October 2019**
 - iii. Full details of the design of the foundations to be used for the approved dwelling.**

The development shall then only be carried out in accordance with the approved details and shall be completed in accordance with the approved details before the development is first occupied. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

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).

- 11 Prior to occupation of the dwelling 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 (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

- 12 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 dwelling hereby approved. 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 (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

- 13 The development hereby approved shall be carried out in a manner to ensure the dwellinghouse complies with building regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.**

Reason: To ensure the residential unit hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

- 14 Prior to the commencement of development, a full Phase 1 Habitat Survey of this site including a more in depth survey of badger activity and camera traps surveys, a scheme of any relevant biodiversity or wildlife 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 and completed in full in accordance with the agreed timetable.**

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 (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2.

- 15 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) measures to control the emission of dust and dirt during construction**
- v) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**
- vi) a detailed timetable for the supervision of works by a qualified arboriculturalist.**
- vii) noise mitigation measures to be used during construction.**

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).

- 16 Construction Hours for the development hereby approved 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).

- 17 Notwithstanding the details submitted and otherwise hereby approved, no development shall be undertaken unless and until full details of the existing and proposed levels to include the proposed dwelling, forecourt and landscaped areas relative to the adjoining land and any other changes proposed in the existing levels of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented and completed only in accordance with the approved details.**

Reason: A pre commencement condition is required to safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).

Informatives:

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).**

If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

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

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.