

Reference:	19/01749/FUL
Application Type:	Full Application
Ward:	West Leigh
Proposal:	Erect 4no two storey semi-detached dwelling houses, layout parking to front and form vehicular accesses on to Underwood Square
Address:	Haydon House 10 Underwood Square Leigh-On-Sea Essex SS9 3PB
Applicant:	Mr G Newton
Agent:	Steven Kearney of SKArchitects
Consultation Expiry:	18 th November 2019
Expiry Date:	16 th December 2019
Case Officer:	Abbie Greenwood
Plan Nos:	385-P500 REVB, 385-P501 REVB, 385-P502, 385-P503, 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:	REFUSE PLANNING PERMISSION



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 modest 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 2 x semi-detached pairs relates to the northern 3/4 of the site only. The rest of the site to the south was subject to a separate application for one detached house which was recently refused planning permission reference 19/01446/FUL.
- 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 and is enclosed by the flank elevations of 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. 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 4 x 2 storey semi-detached houses two of which have accommodation in the roof space. The two sets of semis are different but of complementary designs. The southern pair are the larger houses. These are 4 bed 7 person units which include accommodation within the roofspace. Each property measures 5.4m wide by 13.7m deep with an eaves height of 6m and a ridge height of 9.7m. The smaller pair are 3 bed 5 person units which have a width of 5.4m, a depth of 13.3m, an eaves height of 5.6m and a ridge height of 9m.
- 2.2 The proposal will be constructed of brick and render with either feature waney edged burnt larch or straight cut black painted timber cladding, clay peg tiles and powder coated aluminium windows.
- 2.3 Two off street parking spaces are proposed on the frontage for each dwelling accessed by 3 crossovers onto Underwood Square. Amenity areas are proposed to the rear of each property.
- 2.4 The application is supported by a Design and Access Statement, an Arboricultural assessment and a bat and badger survey.
- 2.5 The application includes a streetscene drawing showing the intention for the rest of the site which includes 1 additional detached house to the southern side of the current application site which is of a similar style but a slightly larger scale and form than the houses subject of the current proposal. A separate application for that single unit was refused planning permission in November 2019 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 on 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).

- 2.6 It is noted that the first two reasons above specifically relate to the relationship of the proposed house to the southern boundary with number 51 Lime Avenue and the impact that this would have on the streetscene in terms of creating a cramped appearance and creating a undue sense of enclosure for the neighbour number 51 Lime Avenue. As the current site does not have a boundary with number 51 nor are the proposed houses otherwise in close proximity to number 51's boundary. These reasons for refusal are not directly related to the current proposal. The 3rd reason for refusal relates to the site as a whole and is relevant. In relation to this issue the applicant has submitted and updated Bat and Badger Survey.
- 2.7 In light of this recent refusal the current proposal must be judged in isolation and on its individual merits.

3 Relevant Planning History

- 3.1 19/01446/FUL - Erect two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square – refused.
- 3.2 18/02308/FUL – Erect chalet at northern end of the site, layout parking to front and form vehicular access onto Underwood Square – refused
- 3.3 18/01674/TPO – Prune 4 oak trees at site (works to trees covered by a tree preservation order) – granted.
- 3.4 18/01063/FUL- Erect three dwellinghouses, layout parking to front and form vehicular accesses on to Underwood Square (Amended Proposal) – granted
- 3.5 17/01361/TPO - Crown lift, prune and removal of deadwood to various oak trees (works to trees covered by a tree preservation order) – granted
- 3.6 17/00396/DEM – Demolish existing dwellinghouse (Application for Prior Approval for Demolition) – Prior Approval Granted
- 3.7 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.
- 3.8 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 15 neighbouring properties were consulted and a site notice displayed. Neighbours were consulted twice during the process of the application due to a revised site boundary to include the vehicular crossovers. 16 letters of representation and a petition of 80 signatures have been received from 13 households and the friends of Underwood Square raising the following issues:
- Over development of the land
 - Over bearing and dominant

- Over intensification
- The development will have a cramped appearance
- Impact on grain, character, appearance and streetscene
- The development is at odds with local character
- Too tall and too large
- The design accentuates the verticality which combined with their mass would be an over development compared to local character
- The increase in density of the site overall is too great
- The design is not very different from that dismissed at appeal
- The issues raised at appeal have not been addressed
- Inappropriate materials
- Previously approved design is not as suitable as the previously approved scheme
- The proposal must be considered with a 5th house
- The granted scheme had 14 bedrooms the current proposal including 5th house has 19
- Lack of parking
- Congestion
- Impact on residential amenity
- Contrived car parking layout which has parking spaces for one property outside another property
- Impact on street parking - is likely to result in parking on the grassed area
- Increase in noise and disturbance and air pollution
- Visual impact on parking
- There will be additional demand for on street parking in an area of stress
- Impact on biodiversity
- Strain on local amenities
- Impact on sewers and drains
- Restricted access for refuse and emergency vehicles
- Impact on wildlife and environment
- Constrained frontages - no space for planting or bins
- Landscaped frontages are a characteristic of the square
- Loss of on street parking
- The parking layout is unworkable
- Impact on trees – works have been undertaken recently with no tree protection
- Outlook onto parking areas is poor
- The existing consent would be more acceptable
- The drawings are inaccurate
- Lack of arboricultural impact assessment
- Concerns relating to surface water flooding
- The developer has not sought to engage with residents
- The previously approved scheme is more acceptable
- Impact on tranquil nature of square
- Construction management will be an issue
- The proposal is unsustainable
- 5 houses is just for additional financial gain and has no regard for existing character or amenities
- The refusal of the 5th house needs to be considered in relation to potential over development of this site
- The current proposal is similar but larger and bulkier than the previous proposals

- The extent of hard surfacing will have a detrimental impact on the streetscene but also on surface water drainage and landscaping potential.
- The extent of parking will impact on the character of the streetscene which is characterised by much greenery and enclosed boundaries
- The parking arrangement for 3 houses was much more acceptable and compatible with local character.

Officer Comment 'These concerns are noted and they have been taken into account in the assessment of the application. However, other than those issues relating to the reason for refusal, 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
- Visual impact of parking on the frontage
- Failure to provide information in relation to sewerage

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 Councils 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 camera traps are installed to confirm whether the holes are in use or are dormant as claimed by the submitted Badger report. It is acknowledged that the proposed tree protection measures will provide a safe area for badgers to the western side of the site during construction.

4.8 The proposal was called to committee by Councillors Walker, Evans and Hooper

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 National Design Guide (2019)
- 5.6 Vehicle Crossing Policy & Application Guidance (2014)
- 5.7 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 the same individual design. 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 detached houses in 2018 (reference 18/01063/FUL) which was granted planning permission is also a relevant consideration of significant weight. The latest refusal in 2018 (reference 19/01446/FUL) was for a single detached house at the southern end has some but limited relevance to the current application for the reasons noted in section 2 above.

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 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 and was accepted in the appraisal in the approval given for 18/01063/FUL.
- 7.7 The wider site previously accommodated a single 4 bedroom detached dwellinghouse. This application proposes 4 semi-detached houses on a site which comprises some $\frac{3}{4}$ of the site. The principle of providing a more intensive use of the wider site needs to be weighed against the 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. 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.”*
- 7.11 The proposal seeks to erect 2 pairs of semi-detached houses on some $\frac{3}{4}$ of the site. The remaining land at the southern end of the site does not form part of this application. As noted above an application for a single detached 4 bed house was recently refused on this site.
- 7.12 The appeal at this site in 2017 for 4 large detached houses each of an identical design is a material consideration in relation to the design considerations of the current scheme. A copy of the appeal decision is attached as Appendix 1. In regards to the scale and form of the proposed development 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.

- 7.13 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 in the wider streetscene as a group as well as their relationship with number 11 which has a significantly lower ridge height than those proposed houses and which would have been seen in combination with the proposed development in the streetscene. In order to address these issues the amended proposal has sought to provide a variety of designs and scales across the site to break up the proposal into 2 distinct plots. This contrasts with the appeal scheme where the identical designs of the houses meant that they read as a single group with a combined massing in the streetscene. This variety has also enriched the design of the development and positively references the variety of house styles in this area.
- 7.14 The current proposal has also stepped the height of the semis down to the northern end to provide a positive transition in the streetscene to the lesser height of number 11. This approach was successfully employed in the approval in 2018 which was for 3 larger houses that decreased in height at the northern end of the site. That approval is also a material consideration in this assessment. The key difference between that approval and the proposed scheme is the change from 2 large detached houses to 2 pairs of smaller semi-detached properties.

This will increase the density of the site but its ultimate acceptability will depend on other aspects of the development such as the overall impact of the scale, mass, form and layout of the development on the streetscene. The Council does not apply any policy based or other criteria that would stipulate the threshold at which a particular density is or is not acceptable.

- 7.15 In addition to the overall height of the proposed houses, the close spacing between the houses was noted by the Inspector as contributing to the impact of the development in the wider streetscene. It is also noted that the most recent application was refused because of concerns that the development would appear cramped in relation to the neighbouring property. The submitted streetscene shows a comparison between the current proposal and the previously approved houses. This drawing shows that the spacing between the dwellings and the ridge heights are in many respects comparable - the distance to the northern boundary has actually increased by 0.6m at ground level and by 0.3m at first floor level, the spacing between the two new built forms is now proposed as 2.4m which is only 0.1m less than the 2018 approval at ground level and 0.8m less at first floor.
- 7.16 It is noted that the recent application for a single house at the southern end of the site was refused by members because of concerns that the house was sited too close to the southern boundary of the site and that this would result in a cramped appearance on the site when viewed in conjunction with number 51 Lime Avenue. The distance to the boundary in this case was 2m and 3.6m to the neighbouring property. The current proposal has no boundary with number 51 Lime Avenue but does have a boundary with number 11 Underwood Square on the northern side. The proposed separation here is 2.8m to the boundary and 4.9m to the neighbouring property on this side.

These distances are therefore significantly greater in comparison, than the recently refused proposal and should not give rise to a cramped relationship on this side.

- 7.17 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 garages and parking spaces in between the properties. This variety is part of the character of this area. It is therefore considered that the proposed spacing of the buildings across the site would not therefore be out of character.
- 7.18 The submitted streetscene shows that there has been a small increase in the area of the front elevations between the 2018 approval and the current proposal but this equates to only an 11% increase over that previously approved in relation to the two northern most houses only. When taking into account the southern property for the 2018 approval and the recently refused house also shown on this streetscene the overall building frontage area drops by 4%. Although referred to for guidance purpose only this demonstrates that the overall streetscene coverage is comparable to the previously approved scheme.
- 7.19 In relation to depth, the proposed houses are 13.3m deep which is greater than the 2018 approval (10.4m) but less than the appeal scheme which had a depth of 14.2m. Looking at the Inspector's comments noted above it is the depth in combination with the height and form of that proposal which was previously an issue. The current proposal has significantly reduced the height and design of the proposed buildings to provide an improved relationship to context.

It is also noted that there are other properties in the area, area including the previously demolished property on the site which are of a comparable depth to that currently proposed.

- 7.20 Overall it is considered that the reduction and stepping in building height combined with the variety in design and form, the reduced scale and mass overall and the proposed spacing of the proposal including a greater separation to the northern boundary has satisfactorily addressed the Inspectors concerns in regard to the impact of the development as a whole on the streetscene and the proposal would, on balance, satisfactorily integrate into the wider streetscene in this regard.
- 7.21 The other houses in this area are very mixed in their designs and there is no cohesive character. Most properties have a pitched roof and gables are a common feature either as the form of the main roof or as a feature projection. Materials are also mixed with white render and red tile being the most prevalent. The area is defined by its variety and its leafy character and by the arrangement and enclosure of the houses around the public space.
- 7.22 The proposed houses are an interpretation of an Arts and Crafts style with strong gabled frontages, feature black timber cladding, canopy detailing at first floor, tall feature chimneys and large glazed bay window adding interest at street level. The designs reference the Arts and Crafts style of the previously demolished dwelling on this site. The design of each pair is distinct but there are similar features and materials which will ensure that the development as a whole has a cohesive character. As noted above this approach has benefits in terms of breaking up the massing of the group but it also references the variety in the area.

Overall it is considered that the designs are well articulated in terms of their proportions and detailing, have a good balance of variety and cohesion and this aspect of the proposal is considered to be acceptable.

- 7.23 There is however a significant concern in relation to the design and layout of the frontage. Each property has the required two off street parking spaces but for 3 of the 4 houses these are accessed by shared crossovers between neighbouring properties. This has resulted in almost all the frontages being taken up with hard surfacing and a parking layout which has the allocated parking for house 2 in front of house 1. This is unusual and very contrived and there is a concern that the development will be dominated by hardsurfacing which will be to the detriment of the streetscene. It is noted that most of the surrounding properties have off street parking on their frontages but this is balanced with significant areas of planting which contributes to the overall leafy character of the square, its defining characteristic. The proposal shows small areas of planting of up to 0.6m wide along the front of the site boundary and between two of the parking areas but this is minimal in relation to the extent of hardstanding proposed. The design of the parking is therefore considered to be detrimental to the character of the site and wider area and is indicative that too much development is proposed on the site, creating this cramped setting to the frontage.
- 7.24 It is therefore considered that whilst on balance the scale, form, massing, spacing and detailed design of the proposed houses are, on balance, acceptable and policy compliant, the layout and design of the forecourt parking areas would cause material harm to the unique and distinctive character of this area and the proposal is unacceptable and contrary to policy in this regard.

Standard of Accommodation for Future Occupiers

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

- 7.25 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.

- 7.26 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, 4 bed 7 person household is 121 sqm. The required size for a 2 storey, 3 bed 5 person household is 93 sqm. 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

Plot	Internal area	Bed 1	Bed 2	Bed 3	Bed 4	Amenity
Northern 3b5p	118.2 sqm	18.7 sqm W=3.5m	13.4 sqm W=2.6m	10 sqm W=2.16m		156.9 sqm
Southern 4b7p	163.85 sqm	20.1 sqm W=2.8m	16.8sqm W=3.45m	14.8sqm W=2.6m	8.2sqm W=2.15m	145.3 sqm

- 7.27 The proposal therefore comfortably meets the standards required. All habitable rooms would benefit from good outlook and daylight. The proposal is therefore acceptable in these regards.

Privacy and outlook

- 7.28 As noted above the proposed parking layout is unusual and contrived with the parking for plot 2 directly in front of the main window to the kitchen/dining room of plot 1. This is likely to give rise to a loss of privacy for the new occupant of plot 1 when the neighbour is accessing their vehicle. This will be apparent to the new occupier of plot 1 when purchasing the site so is a consideration which they will need to consider and therefore would not constitute a reason for refusal however it is considered to be a negative aspect of the proposal.

M4(2) – Accessibility

- 7.29 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 could also be secured by a condition requiring full compliance with M4(2).

Amenity Provision

- 7.30 Each proposed property has a garden area of at least 145 sqm to its rear. This is considered to comfortably meet the needs of a family dwelling.
- 7.31 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

- 7.32 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.”*
- 7.33 The proposal only has one existing neighbour number 11 Underwood Square to the north. The northern most property has a depth of 13.1m at two storeys on this side. It has an eaves height of 5.6m and a ridge height of 9m. It is set 2.8m from the boundary with this property and 4.9m from the flank elevation of this neighbour. The proposed house would extend 2m past the rear elevation of this neighbour.
- 7.34 The previously approved 2018 proposal was set 4.3m south of this neighbour at a height of 8.5m. It projected 2.2m past this neighbour at 2 storeys with a further projection of 1.5m at single storeys. This relationship was previously considered acceptable in terms of impact on light and outlook to number 11. The current proposal has a similar relationship with this neighbour except that it does not include a single storey projection.

It is also noted that the separation distance between the current proposal and number 11 has increased from 1.75m to 2.8m because of the proposed tandem parking at this end of the site. This relationship is therefore considered to be acceptable. It is noted that since the 2018 proposal number 11 has been extended at ground and first floor (reference 19/00011/FULH). The extensions to number 11 relate to the northern section of the property only and do not have significant bearing on the relationship with the current proposal.

- 7.35 In terms of impact on privacy number 11 has a number of windows to the side elevation that serve habitable rooms, however all these windows are secondary only – the primary windows face to the east and west. The proposal has two small windows on its northern flank facing the neighbouring property. One serves a bathroom and the other is a secondary window to a bedroom. It is considered therefore that, if the proposal was otherwise found to be acceptable a condition could be imposed to require these to be obscure glazing. Subject to this condition the impact on the privacy of this neighbour is considered to be acceptable and the proposal is policy compliant in this regard.
- 7.36 To the south the site faces onto the remainder of the development site which is currently vacant. The proposed property would be set 1.2m from this boundary and has one small bathroom window at first floor facing this site. A separation of 1.2m is considered reasonable in this context. The side window could be obscure glazed via condition.
- 7.37 This arrangement is repeated in the centre of the site between the plots where all side windows would also need to be obscure glazed to prevent inter looking between the new properties. An obscure glazing condition could be applied to all first floor windows on all flank elevations of the proposal.
- 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 in all the flank elevations to protect the privacy of neighbours, the proposal will, on balance, 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 dwellings of this size should be served by at least two off street parking spaces. The proposed parking arrangement will include the formation of 3 new vehicle crossovers and 8 parking spaces on the front of the site. This meets the policy requirements and the Council's Highways Officer has not raised any objections in this regard, however, as noted above there are concerns in relation to the design of this layout.
- 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 of 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 this scale of development, 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 fully considered. This could be controlled by a condition requiring the developer to submit a Construction Management Plan. A condition relating to hours of construction could also be imposed were the proposal otherwise acceptable. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in this regard.

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 is also 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 southernmost crossover will be within the root protection area of the large street tree T10.

- 7.47 The tree report has assessed the impact of the proposal on the street tree to the south east of the site the report confirms that the proposed driveway, which will be shared by the southernmost plot of the current application and the vacant plot to the south (outside the scope of this application) 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.
- 7.48 The report confirms that the proposal will not impact on the preserved oak trees to the rear boundary.
- 7.49 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 root protection areas for the street tree to be contained within the fenced exclusion zone it is proposed to install temporary ground protection in the form of steel sheets or scaffold boards laid across the affected area.
- 7.50 The report includes a Method Statement for all these mitigation and protection measures. The Arboricultural Statement submitted with the application concludes that, subject to the specified mitigation measures, the development will not cause material harm to this tree. The Council's Arboricultural Officer has reviewed the tree report and recommended mitigation and protection measures and has provided the following comments:
- '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 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.'*
- 7.51 In considering the acceptability of this crossover it is noted that the same arrangement was proposed in the recently refused proposal which would have shared the crossover and drive access with the southernmost property of the current application. This scheme was refused but not because of the impact on this tree which was found to be acceptable subject to tree protection conditions. This remains the case for the current proposal and carried material weight in the determination of the current proposal. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to tree protection conditions.

Ecology

- 7.52 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 for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) .
- 7.53 The applicant has provided a Bat and Badger Survey carried out by Intext Properties Limited dated November 2019. This comments that no evidence of bats were found in the recent 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.
- 7.54 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. 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 on the site during construction. There would still be a requirement to provide full details of mitigation measures to protect badgers on and crossing the site following completion of the development but this could be required via condition. The applicant will also require a licence prior to commencement of any works.
- 7.55 Natural England have highlighted 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.
- 7.56 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. Any CIL contribution for this site, were the proposal approved, would 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.
- 7.57 Overall therefore the ecological implications of the site can be considered acceptable and policy compliant subject to the appropriate conditions and CIL contributions.

Sustainability

- 7.58 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.
- 7.59 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.
- 7.60 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

- 7.61 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.
- 7.62 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

- 7.63 Given the proximity of the development to large trees and tree roots, some of which are for preserved trees and the potential impact on neighbouring properties, it is considered appropriate in this case that if the proposal were otherwise acceptable, permitted development rights should be controlled by condition so that the implications of any extension on the trees and neighbours can be fully assessed if extensions are proposed in the future.

Community Infrastructure Levy (CIL)

- 7.64 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application may also be CIL liable.

8 Conclusion

- 8.1 The proposed development, by reason of its poorly designed and contrived forecourt parking layout, and in particular the extent of hardsurfacing and the lack of space for soft landscaping, is considered to have a significant and detrimental impact on the character and appearance of the site and the wider streetscene. It is considered that the harm caused by the proposed frontage arrangements is not outweighed by the public benefits of the development more widely. The proposal as a whole is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

9 Recommendation

- 9.1 **REFUSE PLANNING PERMISSION for the following reasons:**

- 01 **The proposed development, by reason of its poorly designed and contrived forecourt parking layout, and in particular the extent of hardstanding proposed and lack of space for soft landscaping, would have a detrimental impact on the character and appearance of the site and the wider streetscene. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**

Informatives:

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

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