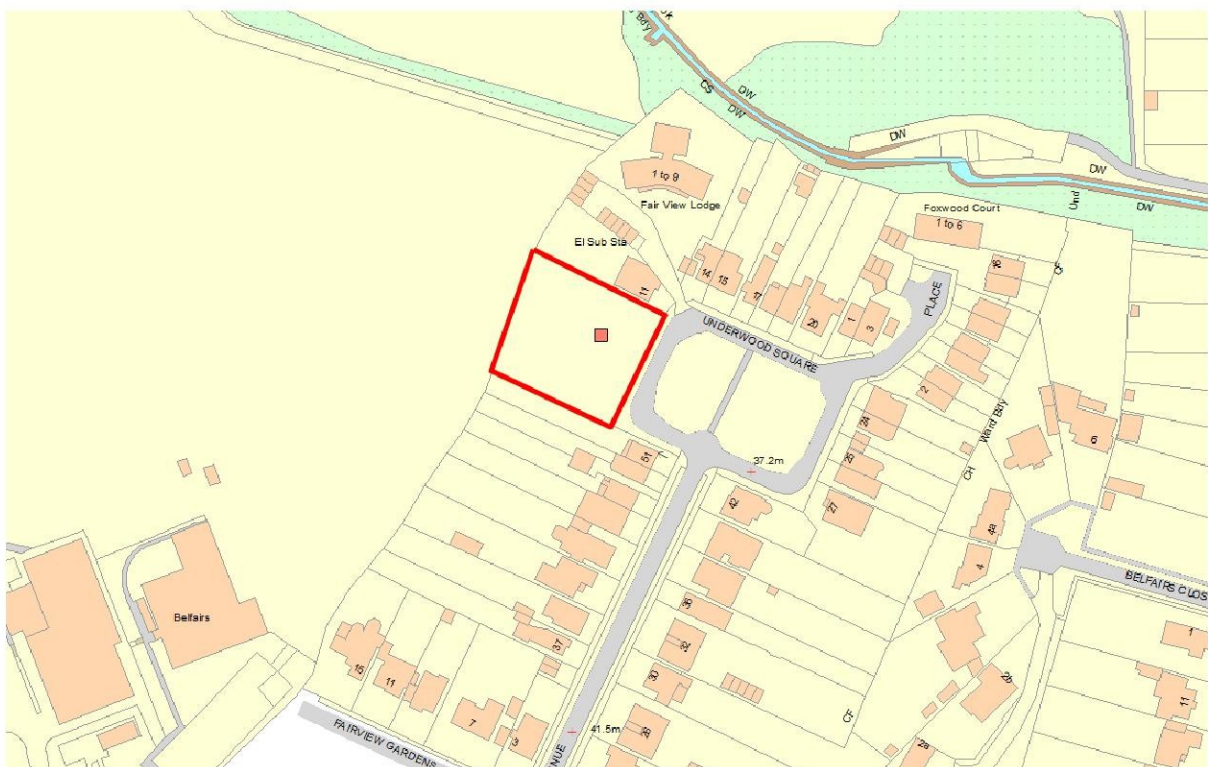


<b>Reference:</b>	19/01446/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Erect two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square	
<b>Address:</b>	Development Land, Underwood Square, Leigh-On-Sea	
<b>Applicant:</b>	Mr G Newton	
<b>Agent:</b>	Steven Kearney of SKArchitects	
<b>Consultation Expiry:</b>	17th October 2019	
<b>Expiry Date:</b>	6th November 2019	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<b>385-P400-A, 385-P402C, 385-P404, Design and Access Statement, Bat and Badger Survey by Essex Mammals Survey, Arboricultural Impact Assessment by Owen Allpress reference 1874 dated 24<sup>th</sup> October 2019, 1874-02-P1 (Tree Retention and Protection Plan)</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **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 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 19/01749/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 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 measure 3.6m wide, 2.1m tall and 1.7m deep. The property has an internal area of 233 sqm.
- 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 193.9 sqm is proposed to the rear.

- 2.4 The application includes a streetscene drawing showing the intention for the rest of the site which includes 2 pairs of semi-detached houses of a similar style but a smaller scale and form than the current proposal. Whilst this proposal is useful in envisaging future possibilities for the site the semi-detached houses do not form part of this application. They will be considered under the separate pending application reference 19/01749/FUL which will be presented at a subsequent committee. The proposal in this case must be judged in isolation and on its individual merits.

### **3 Relevant Planning History**

- 3.1 19/01749/FUL – Erect 4no two storey detached dwelling houses, layout parking to front and form vehicular accesses onto Underwood Square - Pending Consideration.
- 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 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. 33 letters of representation have been received from 16 households raising the following issues:
- Imposing and overbearing nature of the proposal - taller and larger than the average home in the vicinity
  - The mass and bulk of the proposal is too large.
  - Overlooking and loss of privacy
  - Impact on neighbour amenity
  - Impact on neighbouring trees and street trees including roots
  - Loss of on street parking and parking stress
  - Access and highway safety

- Visual impact of parking on the frontage from property and highway
- Impact on view from public space
- Loss of active frontage
- Parallel parking arrangement will be difficult to manoeuvre does not work which will result in parking on the highway
- Overdevelopment of the site.
- The proposal is contrary to policy.
- The plans are inaccurate. [Officer comment: The inaccuracies have been corrected and neighbours renotified.]
- Impact on trees. The proposal impacts on root protection areas.
- The proposal is taller than neighbouring properties.
- The design is out of character.
- The proposal should include an environmental survey, a traffic and transportation survey and a full phase 1 habitats survey
- Impact on green space of Underwood Square
- The property is oversized for this location.
- The proposal is the same as that refused in 2017.
- Impact on wildlife on the site.
- The overall site is only suitable for 3 houses.
- There is no arboricultural statement. [Officer comment: An Arboricultural Statement has now been submitted.]
- Loss of light to neighbours.
- If passed the proposal will leave the way for additional out of character houses to be constructed on the rest of the site.
- Tree roots need to be protected.
- Badgers need to be protected.
- The proposal should be moved further away from the southern boundary
- Impact on important street tree.
- Lack of access for construction traffic.
- The scale and mass of the proposal is out of keeping with the area.
- Additional traffic.
- 5 houses would be crammed onto the site.
- Impact on local services.
- The proposal is closer to the southern boundary than the previous approval. [Officer comment: The proposal will be 450mm closer to the south boundary than the previous approval.]
- The gable feature will be over dominant.
- The proposal shows that the ground will be relevelled which will impact on trees. [Officer comment the levels are the same as that shown on the 2018 approval.]
- The increase in density is unacceptable.
- The levels are different from the existing situation.
- The piecemeal nature of the application may result in a development which is not cohesive. The proposal should be for the whole site so that the impact can be properly assessed.
- There are no shadow drawings.
- The bat and badger survey is inaccurate. Woodpecker holes may be colonised by bats. A full phase 1 Habitat Survey should be submitted.
- Impact on water table.
- Geothermal heat pumps are unacceptable.
- Increased surface water runoff and flood risk.

- Impact on sewer system.
- Landscaping, suds, phase 1 habitat survey, construction method statement, tree protection measures, removal of permitted development should be conditioned.
- The proposal will be overbearing on number 51 Lime Avenue and result in an increased sense of visual enclosure for neighbours.
- The decision for this application needs to be consistent with the previous decisions.
- The proposal is more cramped than the appeal proposal.
- The proposal is out of character with the grain of the area.
- The front windows and the staircase window will overlook neighbouring properties.
- The foundations need to take account of the trees.
- There should be a controlled parking zone for existing residents
- The footprint of the house is too deep.
- The design is incongruous.
- The proposal contravenes the planning appeal inspector decision.
- Windows in the site elevation will overlook neighbours.
- The spacing of the approval for 3 houses was more acceptable.
- Anglian water should be consulted.
- The developer should have engaged with local residents.
- The site is unique and needs to be protected from over development.
- The area is an overspill parking area for the school which has increased parking stress.
- The proposal could set a precedent for over development.
- 3 storeys is out of character.
- Many households have more than two cars.
- There should be a greater separation distance between the windows for the proposal and windows at 51 Lime Avenue. This should be at least 22m.
- The proposal breaches the 45 degree guideline.
- The parking spaces are not viable because they would require considerable manoeuvring to access and there is limited visibility.

**[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
- Loss of trees

### **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 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 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 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 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. The latest refusal in 2018 (reference 18/02308/FUL) was for a single chalet at the northern end of the site and is not considered to be relevant to the current application as it only relates to a single house at the southern end of the site.

## 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 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 a single 5 bed house on the southern end of the site. An additional application for 2 pairs of semi-detached houses on the northern section of the site is pending consideration (reference 19/01749/FUL). 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 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. 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 and Form*

7.11 The proposal seeks to erect a 2 storey dwelling with roof accommodation on the northern end of the site. The design of the proposed dwelling is almost identical to the design of the houses for the appeal scheme reference 17/00234/FUL. That application was for 4 identical detached houses on the wider site of 10 Underwood Square. These houses were the same design as that currently proposed except for the entrances arrangement which were proposed as linked porches rather than the side entrance now proposed. This 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 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 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 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. The current proposal is for one house only of an almost identical design and scale to the 2017 houses which is situated at the southern end of the site. The current application is situated on the same building line as the appeal scheme but is closer to the south boundary. The 2017 appeal scheme was set 2.6m from the south boundary.

The current proposal is set 2.15m away from this boundary (450mm difference). In terms of visual impact of the scale of development in the streetscene there is only a marginal difference between these proposals in relation to the impact of the southern house only. It is considered that in terms of scale and siting, the visual relationship between the proposed house and number 51 Lime Avenue is acceptable on balance.

- 7.13 The indicative streetscene drawing included with the application for the purposes of illustration only shows the context for the further proposed development of the site but the semi-detached properties shown on this drawing do not have permission so can be afforded little weight in the determination of this proposal. The scale and massing of these houses will be assessed on their merits in the determination of the separate application.

#### *Design Detail*

- 7.14 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.
- 7.15 The proposed house is a modern interpretation of an Arts and Crafts style with strong gabled frontage clad with waney edged timber boarding, canopy detail at first floor, tall feature chimney and large glazed bay window adding interest at street level. The design draws on the Arts and Crafts style of the previously demolished dwelling on this site. The proposal is considered to be well articulated in terms of its proportions and detailing.
- 7.16 As noted above the design detail is virtually identical to the design of the houses on the appeal scheme (the porch detail has been altered). In relation to this issue the planning inspector made the following comment:

*'6....The dwellings, identical in form and design, would all be to a height of some 2.5 storeys and have steeply pitched gables which the Council acknowledges to be integral to the overall design. Indeed, as an entity in itself, the proposed development with its intended features and cladding would have visual attraction.'*

- 7.17 It is clear therefore that the inspector concurred that the detailed design of the proposed houses were of an acceptable quality. The architect has submitted various design details for the features on the front elevation including for the bay, canopy, entrance reveal, driveway and boundary and this provides assurance of the quality of the detailing which will be important to achieving a positive design in the streetscene. Some information has been provided in relation to landscaping of the frontage however, full details can reasonably be agreed by condition.
- 7.18 It is therefore considered that the design, scale and form of the proposal is acceptable in this context and the proposal is policy compliant in this regard on balance.

## **Standard of Accommodation for Future Occupiers**

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

- 7.19 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.*

- 7.20 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

- 7.21 The proposal would have a net internal area of approximately 233sqm 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*

- 7.22 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*

- 7.23 A garden of 193.9sqm is proposed to the rear of the dwelling. It is considered that this will comfortably meet the needs of a large family dwelling.
- 7.24 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**

- 7.25 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.”*

- 7.26 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. 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 2.15m from the boundary with this neighbouring garden. The proposal has one large window to the staircase and one dormer window facing south towards the garden of 51 Lime Avenue. Number 51 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 sit directly in line with the rear elevation of this neighbour. This actual separation distance is around 14.1m at an angle of some 40 degrees window to window at first floor.
- 7.27 The proposal is materially the same in form and scale to the previously refused houses on this site reference 17/00234/FUL which was dismissed at appeal. This appeal was dismissed on design and on the impact on number 11 Underwood Square only but not on the impact on number 51 Lime Avenue. The only material difference between the current proposal and the appeal scheme in relation to the impact on this neighbour is that the current proposal is set 0.45m closer to the shared boundary. The previous window to window distance was approximately 14.5m at a similar oblique angle. 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.*

- 7.28 It is also a material consideration that what is proposed is a similar arrangement to that previously approved under scheme reference 18/01063/FUL. This type of arrangement is not unusual in the area. On balance, it is considered that, when judged on its own merits, the gap to the south boundary of 2.15m will not have a significant impact on this relationship in terms of sense of enclosure or over shadowing. Nor will it result in a significantly worse impact on terms of the relationship between the front windows of the proposal and the rear windows of number 51 in terms of overlooking as the houses are offset and the separation distance is over 14m.
- 7.29 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 as a large window has been introduced to the staircase. If left clear this would 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.

*Impact on other neighbours*

- 7.30 To the north the site faces onto the remainder of the development site which is currently vacant. The proposed property would be set 1.3m from this boundary and has two small bathroom windows at first floor and two secondary dormer windows at second floor facing this site. A separation of 1.3m is considered reasonable in this context. In order not to prejudice the future development of the neighbouring site these side windows can be obscure glazed via condition.
- 7.31 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
- 7.32 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.
- 7.33 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**

- 7.34 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. This meets the policy requirements. The Council's Highways Officer has not raised any objections in this regard.
- 7.35 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.
- 7.36 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***

- 7.37 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 fully 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 this regard.

### **Impact on Trees**

- 7.38 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.
- 7.39 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.
- 7.40 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.'*

- 7.41 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.
- 7.42 The report confirms that the proposal will not impact on the preserved oak trees to the rear boundary.
- 7.43 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.
- 7.44 The report includes a Method Statement for all these mitigation and protection measures.
- 7.45 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.
- 7.46 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 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. Both these applications are material considerations of significant weight in relation to the impact on these trees.
- 7.47 The current proposal is set 2.15m from the southern boundary with number 51 Lime Avenue and the forecourt parking spaces are located almost entirely within the root protection area of the street tree. The parking spaces are proposed in this location to enable the new crossover and driveway to be shared with an adjacent dwelling proposed on the rest of the site under reference 19/01749/FUL (pending consideration). It is therefore necessary to consider whether siting the proposal 350mm closer to the boundary and trees with number 51 Lime Avenue and the amended parking arrangement are materially different to the 2017 scheme or whether, with the mitigation measures noted above, they remain acceptable subject to the relevant tree conditions.

- 7.48 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 S.B.C) 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 24<sup>th</sup> October 2019. Also subsequent site monitoring reports should be made available.'*

- 7.49 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

- 7.50 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) .
- 7.51 The applicant has provided a Bat and Badger Survey carried out by Intext Properties Limited dated October 2018. 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 survey in 2017. To allow badgers to continue to move through the site the report recommends that the existing gaps under the fences be retained.
- 7.52 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. This will need to include details of mitigation measures to protect badgers on and crossing the site. The applicant will also require a licence prior to commencement of any works.
- 7.53 The Badger Survey is the same as that submitted for the previous approval on this site reference 18/01063/FUL. This survey was considered acceptable for the previous application. At the time of submission in August 2019 this report was less than 1 year old and was considered acceptable to validate the application. As it is now over 1 year old and given the uncertainty relating to the level of wildlife activity on the site it is considered that it would be reasonable to require this to be updated and agreed including any associated mitigation measures for badger protection prior to the commencement of the development. This can be achieved via a pre commencement condition. Subject to this condition being pre commencement, the proposal is considered to be acceptable and policy compliant in this regard.
- 7.54 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.
- 7.55 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.
- 7.56 Overall therefore the ecological implications of the site can be considered acceptable and policy compliant subject to the appropriate conditions and CIL contributions.

## **Sustainability**

- 7.57 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.
- 7.58 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.
- 7.59 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*

- 7.60 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.
- 7.61 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**

- 7.62 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 to remove permitted development rights so that the implications of any extension on the trees and 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)**

- 7.63 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 £ 17172.00 (subject to confirmation).

Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance 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 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-P400-A, 385-P402C and 38385-P404**

**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 DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).**

**05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-**

- i. 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, including earthworks, 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. Those details shall include:**

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

**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (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 development shall be carried out at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D, E and F of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning Authority.**

**Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (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-P402C 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 for the parking of vehicles and the accessing of the car parking spaces in connection with the dwelling hereby approved.**

**Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (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 24<sup>th</sup> 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 24<sup>th</sup> 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 pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

- 10** Prior to 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 24<sup>th</sup> 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 24<sup>th</sup> 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 dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lppd) (110 lppd 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 badgers and 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](mailto: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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://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.**