

Reference:	20/00599/FUL
Application Type:	Full Application
Ward:	Leigh
Proposal:	Demolish existing building and erect two dwellinghouses with associated amenity spaces and basement parking
Address:	27 Leigh Park Road, Leigh-On-Sea, Essex
Applicant:	SJT Developments
Agent:	Mr Alan Gloyne of SKArchitects
Consultation Expiry:	21st May 2020
Expiry Date:	5th February 2021
Case Officer:	Spyros Mouratidis
Plan Nos:	582 P01 Rev E, 582 P02, 582 P03 Rev E, 582 P04 Rev E, 582 P05 Rev D, 582 P06 Rev D, 582 P07 Rev D, 582 P08, 582 P09, PR206 – 01A, PR206 – 02, Arbtech TCP 01, Arbtech TPP 01, Arbtech AIA 01
Supporting Documents:	Arboricultural Impact Assessment, Arboricultural Method Statement, Design, Access and Heritage Statement, Heritage Assessment, Preliminary Ecological Appraisal Survey, Visual Structural Assessment Report
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The application site is located on the northern side of Leigh Park Road, near its junction with Hadleigh Road and is occupied by a Victorian, two-storey, detached dwellinghouse which sits well within the site and well above the street level. A mature garden surrounds the house and climbs up from street level. The original red brick boundary wall to the front boundary has been retained, although it has been partially rendered at the bottom. The site also contains a detached garage with timber doors. There is also a (water) spring on site. The ground level slopes significantly upwards from Leigh Park Road towards the north. In the frontage of the site there is a Yew tree protected under Tree Preservation Order (TPO) 3/2018.
- 1.2 The area is residential in nature. There are blocks of flats to the south and north of the site with the rest of the street being predominantly two-storey houses. The neighbouring properties to the east and west sit forward of the existing dwelling on site and are typical examples of mid-twentieth century architecture. The northern end of Leigh Park Road is an area of larger, mainly detached, houses with verdant surroundings creating a leafy and spacious character. At the bend of Leigh Park Road and Hadleigh Road there is recorded ground damage. Planning permission was recently granted to erect a two-storey dwelling with basement at 33 Hadleigh Road (reference 18/00598/FUL) and to construct a replacement dwelling at 29 Leigh Park Road (reference 19/00223/FUL). The area is within Leigh Conservation Area.

2 The Proposal

- 2.1 Planning permission is sought for the demolition of the existing dwellinghouse and ancillary structures on site and the erection of two (2no.) four-storey, semi-detached dwellings. Given the gradient of the site, the proposal would be seen from the front as three-storey sitting on a raised platform and as two-storey from the rear, with the dwellings appearing as detached from some angles. The eastern dwelling would accommodate four bedrooms and the western dwelling would accommodate five bedrooms. The habitable rooms would be over three storeys with the lower (basement) floor accommodating car parking and access to the upper levels.
- 2.2 The proposed dwellings would mirror each other at the front, basement level and ground floor level and would each measure some 8.9m wide by a maximum of 17.2m deep. It is proposed for both dwellings to have flat roofs which would be some 11.6m above the street level. The dwellings would sit some 4.8m back from the front boundary at basement level, with the ground floor being at least 8.3m away from the front boundary. The materials proposed to be used on the external surfaces of the dwellings include brick to the walls, GRP on the roof and powder coated aluminium for the windows and doors.
- 2.3 Four parking spaces served by a turntable are proposed at basement level for each dwelling. Two vehicular accesses would be created to allow access to those areas. Private amenity space would be provided for each dwelling to the rear. Details of landscaping to the front and rear of the dwellings are included with the submission. The existing protected Yew tree at the front part of the site is proposed to be removed and replaced with a tree of comparable size and similar specimen. No details of refuse bin storage and cycle parking have been submitted.

- 2.4 During the course of the application the proposal has been amended to reduce the rear bulk of the eastern dwelling, alter the design of the front elevation and inform the design of the proposal with landscaping details. The amended scheme was informed by a pre-application enquiry process which was submitted after the submission of the original proposal.

3 Relevant Planning History

- 3.1 The relevant planning history of the site is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
18/02097/TCA	Fell all trees at the site including 4 holly trees, 5 ash trees, 1 lawson cypress tree, 1 palm, 1 sycamore tree, 2 bay trees, 5 apple trees, 3 elder trees, 1 yew tree, 2 ornamental dwarf fir trees and 2 lilac trees (Application For Works To Trees In A Conservation Area)	Object [20.12.2018]
TPO 3/2018	Tree Preservation Order on one Yew tree	Served [19.12.2018] Confirmed [03.04.2019]
19/01388/PREAPF	2 new dwellings	Advice Given [18.10.2019]
20/01556/PREAPF	Demolish existing dwelling on site, erect no.2 four-storey dwellinghouses	Advice Given [05.01.2021]

4 Representation Summary

Call-in

The application has been called-in to the Development Control Committee by Councillor Mulronev.

Public Consultation

- 4.1 Fifty-four (54) neighbouring properties were consulted, a site notice was displayed, and a public notice was published in the local press. Three (3) representations have been received, objecting to the proposal. The objecting comments are summarised as follows:

- Negative impact on character and appearance of the Conservation Area.
- Adjacent properties were constructed before the area was designated.
- Residential amenity concerns, overbearing relationship and sense of enclosure.
- The depth of the property would result in loss of outlook and light.
- Negative impact on ecology and protected species such as badgers.
- Concerns regarding structural stability of the site as a result of gradient and a natural spring on site.

- 4.2 The comments have been taken into consideration and those raising relevant to planning matters raised are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application.

Leigh Town Council

[Response received for the original proposal.]

- 4.3 Object – Whilst the site is large enough to accommodate two dwellings, the proposed scale is not sympathetic to ensure consistency with local uniform character and the architectural style will be too dominant on the street scene and will change the character of the area.

Leigh Society

[Response received for the original proposal.]

- 4.4 Object – While the design is acceptable, the area contains mainly large family dwellings and the proposal for two dwellings to replace one would be undesirable.

Conservation Officer

[Response received for the amended proposal.]

- 4.5 No objection –Subject to conditions regarding detailing, quality of materials and landscaping, taking into consideration the context of the site within an enclave of modern development, the questionable structural integrity of the building and the regeneration benefits, the amended design of the proposal can be considered to be acceptable and a reasonable replacement for the existing building and therefore overall to have a neutral impact on the character and significance of the conservation area.

Highways

[Response received for the original proposal.]

- 4.6 No objections – the applicant should provide signage to identify vehicles exiting the dwelling.

Parks

[Response received for the amended proposal.]

- 4.7 No objections – Further surveys would be required for badgers and bats, the recommendations and mitigation in the ecological appraisal should be adhered to, biodiversity enhancing measures should be considered and the soft landscaping details should be submitted.

Environmental Health

[Response received for the original proposal.]

- 4.8 No objections subject to conditions regarding hours of construction and waste management.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 National Housing Standards (2015)
- 5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).

- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 5.6 Design & Townscape Guide (2009)
- 5.7 Leigh Conservation Area Appraisal (2010)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Vehicle Crossing Policy & Application Guidance (2014)
- 5.11 Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the streetscene and wider area, including on the significance of the Leigh Conservation Area and impacts on the protected tree on site,, the standard of accommodation for future occupiers, the impact on residential amenity of neighbouring occupiers, any traffic and transportation issues, refuse and recycling storage, energy and water sustainability, water drainage, land instability and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.2 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.

- 7.3 For the proposed provision of housing the HDT and 5YHLS are weighing in favour of the principle of this type of development, albeit the housing provision would not make a significant contribution to the housing stock of the Borough. The proposed dwellinghouses would be a four-bed and a five-bed property which are considered to be family dwellings. There is a greater need for this type of housing as identified by the SESHMA.
- 7.4 It is considered that the principle of the proposed development is acceptable. Other material planning considerations are discussed in the following sections of the report.

Heritage, Protected Tree, Design and Impact on the Character of the Area

- 7.5 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”
- 7.6 Paragraph 124 of the NPPF states that: “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.” 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.”
- 7.7 Policy KP2 of the Core Strategy states that new development should: “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy requires that development proposals should: “maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.
- 7.8 The Design and Townscape Guide states that: “The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings.”
- 7.9 The site is located within the Leigh Conservation Area. Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 7.10 The Leigh Conservation Area Appraisal identifies the existing building on the site as being constructed between 1875 and 1897. The site is located within the ‘Art and Crafts Suburban’ character zone of the Leigh Conservation Area. The Conservation Area Appraisal classifies the existing building on the site as making a positive contribution within the Conservation Area, but recognises sympathetic improvements are required at the property.

The Conservation Area Appraisal states that 27 Leigh Park Road is a

“Late Victorian house set above the road. A mature garden climbs up from the street above an old red brick wall, now part rendered. Lined out white painted render, interlocking tiles, but mahogany effect uPVC windows have changed the character of the house. Flat roofed extension to left hand side, where on the frontage there is also a detached old garage with timber doors, and a stock brick retaining wall with a recess containing what is apparently a spring.”

- 7.11 The adjacent modern buildings are not of merit and have generally had a negative impact on the Conservation Area as specifically noted in the Leigh Conservation Area Appraisal. All the modern additions in this location have flat roofs and box like forms. The large-scale developments to the rear and opposite are out of character with the general form and scale of development in this area.
- 7.12 Paragraph 201 of the NPPF states that: “Loss of a building which makes a positive contribution to the significance of the Conservation Area (...) should be treated either as substantial harm (...) or less than substantial harm (...) as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area (...) as a whole”. Whilst the building on site demonstrates some of the key characteristics of the ‘Art and Crafts’ inspired architecture, it is the single remaining historic building in a group of more modern development in this section of the road and as such appears rather isolated in the streetscene. In this instance, bearing also in mind that there is an identified need for improvements, as recognised by the Leigh Conservation Area Appraisal, the resulting harm from the loss of the building would be less than substantial, albeit significant.
- 7.13 In line with paragraph 196 of the NPPF and policy DM5 of the Development Management Document, any development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal and will be resisted where there is no clear and convincing justification for this. According to the PPG¹ public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 7.14 A heritage statement has been submitted with the application and identifies that the existing building is in a state of disrepair. A visual structural survey states that the structural damage to the building, caused mainly by ground movement, is beyond repair. There is no evidence that there was deliberate damage or neglect of the building for planning gain. Hence, the state of the building is material consideration in deciding this application in line with the PPG². Replacing a building within the Conservation Area for which there is no reasonable prospect of repairing it, subject to an acceptable design of the replacement, is considered to be a public benefit.

¹ Paragraph: 020 Reference ID: 18a-020-20190723, Revision date: 23 07 2019

² Paragraph: 014 Reference ID: 18a-014-20190723, Revision date: 23 07 019

- 7.15 The proposal would have a layout that would respect the urban grain of the area. While the footprint of development on site would be increased significantly and the proposed houses would have increased depths, the proposal, and importantly what would be read as the dwellings from the ground floor and upwards, would not project beyond the established building line and the plot widths that would be created on site would be comparable to other plots within the vicinity of the site. The increased depths would not be apparent from the street and the detached character of the dwellings would be in keeping with the overall layout of development in the surrounding area.
- 7.16 The proposed scale would respect the scale of adjacent development. By utilising the slope of the land to gain the basement level and using the boundary treatment and soft landscaping, the proposal would appear as three-storey in nature. The overall height of the development would not exceed the height of the existing building on site and would reference the height of other buildings on the street.
- 7.17 The proposed form is a contemporary and varied interpretation on the box-like form of the surrounding development. The diagonal front elevations, the angled set-back on the upper floors, the recessed sections of the buildings create an interest and break the mass of the buildings in an acceptable way. The form also draws references from the approved scheme under permission 19/00223/FUL at 29 Leigh Park Road.
- 7.18 In terms of appearance, although the buildings are not highly detailed in contrast with historic buildings in the area, the interesting shape and placing of openings compensate for this and result in a visually acceptable proposal, subject to appropriate materials and landscaping, which would be appropriate for its context. An important point for the appearance of the buildings is the space between the top of the garage doors and the front terrace which would allow the dwellings to be read as three-storey structures sitting on top of elevated ground rather than four-storey structures and would reduce the vertical emphasis of the development. Although the development would present an inactive frontage at street level, this would not be materially dissimilar from the existing situation on site. The clear and legible entrances at ground floor level would offer acceptable focal points for each building. The proposed glazing lightens the form and assists further the articulation of the buildings.
- 7.19 Given the importance of the details to achieve what is demonstrated on the submitted plans and illustrations which are considered to be design appropriate for its context, careful attention should be given to the quality of materials, such as the type of the brick, the capping of the buildings, the materials used to finish the fenestration and their frame detail, the materials used for the balustrades, rainwater goods, the quality and arrangement of timber of gates, garage doors and boundaries with the site. Details of these can be required by conditions. The use of red brick, black balustrades, black metal frames for the fenestration in principle and subject to quality products would complement the historic palette of materials in the Conservation Area. The proposed replacement of the original front boundary wall with a simple, contemporary brick wall without pillars would be compatible with the design ethos of the buildings and would be acceptable, on balance, subject to detailed materials and finish.

- 7.20 A notification for the clearance of the site was given to the LPA in 2018 under reference 18/02097/TCA. This notification triggered an assessment of all trees on site by the Council's tree officers. The only tree that was worth preserving on site was found to be a Yew tree. The tree preservation order TPO 3/2018 was issued and confirmed. The development would result in the loss of the protected Yew tree and the dense vegetation at the site. The protected Yew tree offers some amenity value and it is in generally good health. The proposal includes the replacement of the lost protected tree with a tree of comparable size and specimen. Subject to the establishment of the replacement tree, which has been demonstrated to be possible with the submitted landscaping scheme, the proposal would not result in loss of amenity value offered by the existing tree. The replacement will be automatically protected under the relevant legislation in relation to trees in Conservation Areas.
- 7.21 In addition to the above discussed replacement of the Yew tree, it is proposed to plant two Silver Birch trees and other vegetation to establish green walls at basement level. Details of landscaping to demonstrate that the establishment of such green walls is achievable within three years have been submitted. The proposed landscaping would rely on climbers and plants growing upwards. Given that the street level frontage is dominated by the underground car parking which is an inactive and unattractive frontage, the quick and effective establishment of soft landscaping would be key to avoid the proposal resulting in material harm to the character and appearance of the site and the wider Conservation Area. Conditions can secure the appropriate landscaping detail that has been submitted to support the application.
- 7.22 The submitted Arboricultural reports identify the need to protect one tree which is located to the north-east of the site, on the neighbouring garden at 25a Leigh Park Road. The submitted reports propose protection methods in line with British Standards. This is acceptable and can be secured by condition.
- 7.23 In the round, subject to details of materials and landscaping, the proposal stands out as an acceptable design, appropriate for its context and sympathetic to the character and appearance of the Conservation Area. The proposed additional housing, the economic activity resulting from the proposal, the replacement of a building for which there is no reasonable prospect of repair, the proposed design appropriate for its context and the proposed replacement planting, when balanced against the loss of the existing building and protected tree, would outweigh the identified less than substantial harm. Overall, on balance, the proposal would preserve the significance of the Leigh Conservation Area and the amenity value offered by the protected Yew tree. The proposal is, on balance, acceptable and in line with policy in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.24 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that 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

- 7.25 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below.

Table 2: Housing Standards

Type	Area (m ²)	Bedroom 1	Double Bedrooms	Single Bedrooms	Storage area (m ²)	Amenity (m ²)
Standard for 4 bed 7 person (three storeys)	121	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	7.5m ² Wmin=2.15m	3	N/A
Standard for 5 bed 10 person (three storeys)	152*	11.5m ² Wmin=2.75m	11.5m ² Wmin=2.55m	N/A	3.5	N/A
Proposed eastern dwelling 4 bed 8 person (three storeys)	214.4	21.5m ² Wmin = 3.5m	Exceed standards	9.9m ² Wmin = 2.8	Exceeds standard	In excess of 99
Proposed western dwelling 5 bed 10 person (three storeys)	264.2	23.2m ² Wmin = 2.9m	Exceed standards	N/A	Exceed standard	In excess of 96

* There is no standard for this size of property. The standard stated here is estimated on the basis of the standard for a 5 bed 8-person property in addition to 9m² of floorspace per additional person.

- 7.26 The proposed dwellings would meet and exceed the minimum required NDSS and would provide adequate living space.

Daylight, Sunlight and Outlook from Habitable Rooms

- 7.27 All habitable rooms are required to have good outlook and receive enough daylight or sunlight. In this instance, all habitable rooms would receive adequate daylight and sunlight and would have an acceptable outlook.

Amenity Provision

- 7.28 The proposed dwellinghouses would each be provided with a private amenity space to the rear and balconies to the front. The private amenity space for each dwelling would exceed 90m². The amenity provision would be acceptable for the proposed size of accommodation.

M4 (2) – Accessibility

- 7.29 Development Management Policy DM8, as amended, requires all new homes to be accessible and meet the standards set out in Building Regulations M4 (2) Accessible and Adaptable Dwellings. This ensures that all new homes are flexible enough meet the needs of all generations. The proposed buildings would be provided with lifts to ensure step-free access from the street level to all floors. The internal areas appear to be sizeable and adaptable enough to comply with the requirements of building regulation M4 (2). This can be secured by condition.
- 7.30 Overall, it is considered that the proposal would result in an acceptable standard of accommodation and would not be detrimental to the living conditions of future occupiers of the proposed dwelling. The proposal is therefore acceptable and in line with policy in the above regards.

Impact on Residential Amenity

- 7.31 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.32 The nearest residential properties are 38 Hadleigh Road, 25a and 29 Leigh Park Road. The dwellings would be located some 18.5m from 38 Hadleigh Road, 6.5m from 29 Leigh Park Road and some 2m from 25a Leigh Park Road. The distance from and relationship with 38 Hadleigh Road is such that the proposal would not be materially harmful to the residential amenity of its occupiers. For 29 Leigh Park Road, considering both the existing building and the building of the extant permission on this site, it is found that the design, size and siting of the proposal is such that it would not materially harm its occupiers’ amenity. The property has a west and southern focus and benefits from elevated amenity space which would allow the proposal to be erected on site without affecting the residential amenity of this neighbour in a materially harmful way in any regard.
- 7.33 The eastern dwelling, located close to 25a Leigh Park Road, would extend beyond the rear elevation of its western neighbour. Its main bulk would not be further back than the existing dwelling on site. The part of this dwelling that would sit further back is proposed to be away from the shared boundary. Taking into account the existing situation and relationship between this neighbour and the building on site, it is not considered on balance that the proposal would result in material harm to the residential amenity of this neighbour in relation to loss of outlook, sense of enclosure, overbearing relationship, daylight and sunlight.
- 7.34 No side windows are proposed on the first and second floor levels. The side windows at ground floor level would be screened by the boundary treatment of the site. Given the separation distances from properties to the front and rear there would be no materially harmful overlooking or loss of privacy. A condition can be imposed to control the hours of building works to avoid any undue noise and disturbance. A condition is considered to be justified to remove permitted development rights for the proposed dwellings given the tightly knit grain of the area and relationship between properties and the potential harm that could arise in relation to uncontrolled extensions and alterations.

The proposed development is considered acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.35 Policy DM15 of the Development Management Document states: “Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.
- 7.36 Assessed against parking standards, outside of the central area the minimum parking requirements for dwellings with two or more bedrooms is two car spaces per unit and one cycle space per unit. The proposed development would accommodate four car spaces for each dwelling with a turntable to avoid the need for a turning area or reversing into the highway. The proposed provision would exceed minimum parking standards for residential development but would not materially prejudice the Council’s objectives in relation to sustainable modes of transport. Although not explicitly shown, cycle storage can take place in convenient and secure way within the proposed garages. The proposed access arrangements are considered acceptable subject to appropriate signage on the road. The Council’s Highways service raised no objection subject to such signage being provided. Both the proposed accesses and the required signage would require the relevant highways consents. The proposal is acceptable and policy compliant in the above regards.

Refuse and Recycling Storage

- 7.37 According to the policy requirements it is expected that individual dwellings would use the Council’s kerbside sack collection scheme. The proposed dwellings would be adjacent to the highway and it would be convenient to collect and leave sacks on the kerbside. The proposal is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.38 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”. The same policy requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting”.
- 7.39 No details have been submitted with the application to demonstrate whether the proposed development would meet the target of renewable energy sources covering at least 10% of the anticipated energy consumption in line with policy requirement or how the water consumption would be limited.

It is considered that the requirements for renewable energy and restrictions on water usage could be controlled with conditions. Care would be needed to ensure that any renewable technologies submitted for approval under such a condition would not harm the character and appearance of the Conservation Area. This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards.

Flooding and surface water drainage

- 7.40 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwellings would be partially built within an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. It is also understood that there is a spring on site. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

Land Stability

- 7.41 Policy DM14 of the Development Management Document states that: "All development proposals in the vicinity of the cliff frontages shall take full account of the risk of ground instability. Development that is at risk from land instability or that is likely to increase risk to a site or to the surrounding areas will be not acceptable. Proposals will only be considered where:
- (i) It has been demonstrated to the satisfaction of the Council that the development of unstable or potentially unstable land will be constructed and used safely without increasing instability of the site and surrounding land; and
 - (ii) It can be demonstrated that mitigation measures to stabilise land are environmentally acceptable and will not adversely impact upon neighbouring uses or sites."
- 7.42 As noted in the description of the area, there is ground damage in the vicinity of the site. Furthermore, the building on site has been damaged mainly due to ground movement. The proposal has been designed to take into account the need for increased engineering works to stabilise the ground on site. Although no detailed report has been submitted, details to demonstrate how the proposed works would safeguard adjacent sites from increased risk of ground instability, it is considered that this matter can be addressed with a condition. A condition has been recommended to secure further details on this matter. Subject to such a condition, the development would be acceptable and policy compliant in the above regards.

Ecology and Essex Coast RAMS

- 7.43 The application is supported by a preliminary ecological appraisal. This survey identifies that the building on site could be used as habitat for bats and requires further surveys to be undertaken. The survey along with any proposed mitigation measures can be secured by condition. The preliminary appraisal states that there is no need for further surveys for badgers. However, a neighbour advised that badger activity has been noted on site. Furthermore, there is known badger activity in Leigh-on-Sea with a known active badger sett on Leigh Library as advised by the Council's Parks and Greenspace officer. A condition has been recommended to secure further surveys and mitigation for this protected species.

- 7.44 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast 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. Any new residential development 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 Essex Coast RAMS SPD, which was adopted by Full Council on 29 October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.45 The applicant has paid the relevant tariff. The development offers suitable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.46 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 820.4m², which may equate to a CIL charge of approximately £ 63,044.58 (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 local and national policies and guidance, on balance. The proposal, on balance and subject to conditions, would have an acceptable impact on the character and appearance of the area and the significance of the Leigh Conservation Area. The public benefits of the proposal, including the additional housing, appropriate design, the replacement of a building for which there is no reasonable prospect of repair and the proposed replacement planting, would, on balance, outweigh the less than substantial harm to the Conservation Area arising from the loss of the existing building and the loss of the protected tree.
- 8.2 The proposal would have an acceptable impact on the amenities of neighbouring occupiers. It would also have an acceptable impact on the highway and parking conditions in the area subject to conditions and would be adequate in relation to waste management. The proposed development would provide acceptable drainage on site, suitable mitigation for its in-combination effects to protected ecology sites, land instability and energy and water sustainability with the conditions recommended. The proposal makes a contribution to the housing needs of the borough through provision of a good standard of new family housing which must be weighed in the overall planning balance, albeit the weight to be attached to this would be limited in this instance in view of the number of units involved.

This application is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: 582 P01 Rev E, 582 P02, 582 P03 Rev E, 582 P04 Rev E, 582 P05 Rev D, 582 P06 Rev D, 582 P07 Rev D, 582 P08, 582 P09, PR206 – 01A, PR206 – 02, Arbtech TCP 01, Arbtech TPP 01, Arbtech AIA 01.**

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 Notwithstanding the information submitted and 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 on site unless and until product details and samples of materials to be used in the construction of all the external elevations of the dwellings, including for the external walls, roofing, fascia and soffits, doors, windows, garage doors, balcony railings, floor and support, terrace balustrades, external stairs, boundary treatments and hard surfaces including paths and driveway, which should be constructed from a permeable surface, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and completed solely in accordance with the approved details before it is brought into first use.**

Reason: In the interest of visual amenity, providing suitable drainage and to preserve the significance of the Conservation Area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 04 Notwithstanding the information submitted and 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 on site unless and until design details for the proposed windows and frontage form, including sections showing any frames, edge details, sills and reveals, proposed balconies including sections showing any balustrade, supports and floor, and front boundary treatment at scales of 1:20, 1:10 or 1:1 as appropriate shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out and completed solely in accordance with the approved details before it is brought into use.**

Reason: In the interest of visual amenity and to preserve the significance of the Conservation Area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 05 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed buildings. Before a building hereby approved is occupied the building shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and the Design and Townscape Guide (2009).

- 06 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition shall take place on site unless and until details of the levels of the proposed building, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.**

Reason: In the interest of visual amenity, to preserve the significance of the Conservation Area and to safeguard the residential amenity of neighbours, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 07 No demolition or development of any kind shall take place on site until the tree protection plan described in the Arboricultural Method Statement and shown on plan Arbtech TPP 01 in accordance with British Standard BS5837 (Trees in Relation to Construction - Recommendations) has been implemented on site. The approved scheme of protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures, and methods.**

Reason: In the interest of visual amenity and to preserve the significance of the Conservation Area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 08 Within the first available planting season (October to March inclusive) following the first use of the development hereby approved, the soft landscaping scheme submitted with approved plans PR206 01 A and PR206 02 shall be implemented, completed and maintained thereafter in full accordance with the approved details.**

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

At any time after three years from the completion of the landscaping scheme and within a period of ten years from completion, if in the opinion of the local planning authority the proposed landscaping on street level frontage is not established or appears defective in any way, an alternative scheme shall be carried out in complete accordance with details which have previously been submitted and approved in writing by the local planning authority under the provisions of this condition.

Reason: In the interest of visual amenity and to preserve the significance of the Conservation Area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 09 The use of the development hereby approved shall not commence until a hard landscaping scheme has been carried out and implemented solely in full accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of materials to be used on hardsurfacing as well as elevations and details of materials for any boundary treatment of the site, including boundaries within the site.**

Reason: In the interest of visual amenity and to preserve the significance of the Conservation Area in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 10 Notwithstanding the details submitted and otherwise hereby approved, the development hereby approved shall be constructed to ensure that the dwellings comply with building regulation M4 (2) “accessible and adoptable dwellings” prior to their first occupation.**

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 11 Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the buildings hereby approved without the express planning permission.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with 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).

- 12 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with 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).

- 13 The approved dwellings shall not be occupied unless and until the following works have been implemented in accordance with a scheme which has been previously submitted to and agreed in writing by the local planning authority:**

- a. The construction of new vehicular accesses to Leigh Park Road;**
- b. The removal of the redundant crossover to Leigh Park Road and reinstatement of the footway;**
- c. Provision of 'concealed entrance' or similar signage.**

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 14 The dwellings hereby approved shall not be occupied unless and until at least two parking spaces per dwelling in the areas shown on the approved plan 582 P03 have been provided and made available for use on site. The parking spaces shall be retained for the lifetime of the development for the purposes of car parking solely for residents of the approved dwelling on site and their visitors.**

Reason: To ensure the provision of adequate parking in accordance with National Planning Policy Framework (2019), Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 15 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and excavation works, shall take place unless and until a drainage and surface water management strategy incorporating principles for Sustainable Drainage Systems (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The drainage and surface water management strategy shall be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.**

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

- 16 No demolition or development of any kind shall take place on site until details in relation to land instability have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include information to demonstrate to the satisfaction of the Local Planning Authority that the development will be constructed and used safely without increasing instability of the site and surrounding land; and that mitigation measures to stabilise land are environmentally acceptable and will not adversely impact upon neighbouring uses or sites. The development shall be carried out and completed solely in accordance with the approved details.**

Reason: To safeguard against the effects of land instability on site and elsewhere in accordance with National Planning Policy Framework (2019) and policy DM14 of the Development Management Document (2015).

- 17 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.**

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) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

- 18 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.**

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) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).

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.

Informatives:

- 1** Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 2** 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.