

Reference:	21/00692/AMDT	
Application Type:	Minor Amendment	
Ward:	West Leigh	
Proposal:	Development Land Underwood Square Leigh-On-Sea Essex SS9 3PB	
Address:	Vary conditions 02 to replace approved plan number drawings 385-P800A, 385-P801, 385-P802 and 385-P803, 385-P804 with 385-P8800, 385-P8801, 385-P8802 385-P8803- and 385-P8804 to move main entrance door to front, reduce front bay window, relocate stairs, install one dormer to north elevation instead of two, install rooflight to north elevation, alter openings to side and install flat roof to rear ground floor, alter wording of conditions 03, 05, 08, 13 and 15 to reflect this (Minor Material Amendment of planning permission 20/01309/FUL dated 04/11/2020)	
Applicant:	G Newton	
Agent:	SKArchitects	
Consultation Expiry:	26 th May 2021	
Expiry Date:	3 rd June 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	<p>Previous approved plan to be replaced: 385-P800, 385-P801, 385-P802, 385-P803, 385-P04</p> <p>Proposed amended plans: 385-P8800, 385-P8801, 385-P8802, 385-P8803, 385-P8804</p> <p>Variation of Condition Supporting Statement by SKArchitects</p>	
Recommendation:	Members are recommended to GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 Underwood Square is a purpose built urban square consisting of an informal green space surrounded and enclosed by detached and semi-detached houses. The houses are of different ages and designs and do not form a cohesive streetscene. The character of the square is derived primarily from the arrangement of the houses enclosing the open space and the presence of many mature trees, including a significant number of street trees and a number of mature oak trees on the rear (west) boundary of the application site and in neighbouring gardens.
- 1.2 The site was formerly occupied by a single detached house which was demolished in 2017. The plot is of a reasonable size taking up almost the entire west side of the square. For the purposes of this application the plot of the former Haydon House has been split into two sections. The current application for 1 detached house relates to the southern quarter of the site only which was granted planning permission for a single detached house under reference 20/01309/FUL. 2 pairs of semi-detached houses have been approved on the remainder of the site under application reference 20/01324/FUL. Both permissions have been implemented and construction is in progress. There is only one other property on the west side of the square to the north of the wider application site (number 11). This is a detached house of traditional design.
- 1.3 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.
- 1.4 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. The two oaks to the southern side of the site within the garden of 51 Lime Avenue and the liquidambar tree on the pavement close to the south east corner of the site are protected by Tree Preservation Order 1/20. There are no other policy or heritage designations in the vicinity of the site.
- 1.5 The wider area is residential in character. Aside from those noted above there are no other site specific designations.

2 The Proposal

- 2.1 Approval was granted on 4th November 2020 (Application No: 20/01309/FUL) to '*Erect No.1 5 bedroom detached dwellinghouse, layout parking to front with associated crossover onto Underwood Square (Amended Proposal)*'
- 2.2 The current application is seeking to vary condition 02 (approved plans):
- 2.3 Condition 02 states

02 The development hereby permitted shall be carried out in accordance with the following approved plans 385-P800A, 385-P801, 385-P802, 385-P803, 385-P804

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

2.4 The proposed amendments are as follows:

- Main entrance door relocated from the side to the front which has reduced the size of the bay window to the front. This change is more in-keeping with the neighbouring development.
- Relocated internal stairs and a straight stair layout.
- One triangular dormer to the north elevation in lieu of two to enable adequate head height for the new stair layout.
- New rooflight to the north elevation
- Modified openings to each side elevation including the significant reduction of the staircase window facing 51 Lime Avenue
- Flat roof to the rear of the ground floor with rooflight in lieu of fully glazed orangery style roof to improve maintenance of glass cleaning, energy efficiency and to be more in-keeping with neighbouring proposals.

2.5 The stated reason for the changes is to increase the prominence of the front entrance by moving it from the side to the front and relocation of the staircase to enable a more efficient internal layout.

3 Relevant Planning History

- 3.1 20/01309/FUL – Erect No.1 5 bedroom detached dwellinghouse, layout parking to front with associated crossover onto Underwood Square (Amended Proposal) – granted
- 3.2 20/01324/FUL - Erect 2No. two storey semi-detached dwellings and 2No. two and a half storey semi-detached dwellings, layout boundary planting and landscaping to front and layout parking spaces to front with associated vehicle accesses on to Underwood Square (Amended Proposal) – pending consideration
- 3.3 19/02143/FUL - Erect No.1 5 bedroom detached dwellinghouse, layout parking to front with associated crossover onto Underwood Square (Amended Proposal) – refused and dismissed at appeal
- 3.4 19/02289/FUL – Erect 4no two storey semi-detached dwelling houses with associated landscaping and amenities, layout parking to front and form vehicular accesses on to Underwood Square (amended proposal) – planning permission granted.
- 3.5 19/01446/FUL - Erect two storey detached dwelling house, layout parking to front and form vehicular access on to Underwood Square – refused
- 3.6 19/01749/FUL – Erect 4no two storey detached dwelling houses, layout parking to front and form vehicular accesses onto Underwood Square - refused.
- 3.7 18/02308/FUL – Erect chalet at northern end of the site, layout parking to front and form vehicular access onto Underwood Square – refused
- 3.8 18/01063/FUL- Erect three dwellinghouses, layout parking to front and form vehicular

accesses on to Underwood Square (Amended Proposal) – granted

- 3.9 17/00396/DEM – Demolish existing dwellinghouse (Application for Prior Approval for Demolition) – Prior Approval Granted
- 3.10 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.

4 Representation Summary

Public Consultation

- 4.1 27 neighbouring properties were consulted and a site was displayed. 4 letters of representation have been received raising the following summarised comments:
- Unacceptable impact on neighbour amenity including overlooking.
 - Creeping nature of multiple applications.
 - Impact on preserved trees from proposed new window in south elevation. Tree work needs to be monitored.
 - The application should not allow a balcony on the flat roof to the rear.
 - No objections to the changes to the front or changes to south elevation.
 - The staircase window should be obscured to prevent overlooking.
 - The plans are confusing.

Officer Comment: These concerns are noted and those that represent material planning considerations 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.

Environmental Health

- 4.2 No comments on the amendments.

Parks

- 4.3 No comments.

Natural England

- 4.4 Natural England currently has no comment to make on the variation of condition application.

Essex Fire Service

- 4.5 No Objections

Leigh Town Council

- 4.6 No objections. Works to the preserved tree should remain as previously agreed and should be monitored by the Council.

4.7 The application was called to committee by Cllr Hooper.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019) and National Design Guide (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 Community Infrastructure Levy (CIL) Charging Schedule

5.6 Technical Housing Standards – Nationally Described Space Standards (2015)

5.7 Vehicle Crossing Policy & Application Guidance (2014)

6 Planning Considerations

6.1 This application is for the variation of a planning condition relating to the approved plans only. The changes sought relate to the design of the proposal and its impact on local character and neighbours. In all other respects the proposal remains unchanged from that previously approved under reference 20/01309/FUL. It is for the same site edged red and description of development as the substantive approved scheme and it is considered that the changes sought fall within the scope of a minor material amendment in principle. The considerations in relation to this application are the principle, the impact on the character of the building and surrounding area and any impact on neighbours. It is considered that this amendment would have no significant impact on the traffic and transportation, sustainability or impact on preserved trees which remain unchanged and which were previously considered and found to be acceptable.

7 Appraisal

Principle of Development

7.1 The principle of this development was previously found to be acceptable under planning permission 20/01309/FUL. There have been no policy amendments since the determination of this application or material change in site circumstances. The proposal remains acceptable in principle subject to the detailed considerations below.

Design and Impact on the Street Scene

- 7.2 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. Being clear about design expectations and how these will be tested, is essential for achieving this.’
- 7.3 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*”.
- 7.4 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*”.
- 7.5 The proposed changes to the exterior of the building are the relocation of the main entrance door and associated reduction of the bay window to the front, the change from 2 smaller triangular dormers to a single larger triangular dormer on the north roof slope, a change from sloping to flat roof for the single storey rear projection and the alteration of fenestration arrangement to the side elevations.
- 7.6 It is considered that the proposed amendments would not result in any significant harm to the character and appearance of the proposed development, the site, the streetscene and the area more widely. The proposal is therefore acceptable and policy compliant in relation to design and character matters.

Impact on Neighbours

- 7.7 It is considered that, subject to a condition requiring that all side glazing above ground floor level is obscure glazed and fixed shut and that the single storey rear projection is not used as a balcony, the proposed amendments would have an acceptable impact on the amenities of neighbours. The amended design has reduced the amount of glazing on the side elevation facing the garden 51 Lime Avenue (previously conditioned to be obscured) so this will in fact reduce the perception of overlooking of this neighbour. The amended proposal is therefore acceptable and policy compliant in this regard subject to these conditions.

Community Infrastructure Levy (CIL)

- 7.8 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 232.6 sqm, which may equate to a CIL charge of approximately £ 17874.42 (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 the amended elevations and internal layout is acceptable in terms of design, the impact on character and the impact on neighbours' amenity so condition 02 of application 20/01309/FUL can be varied to this effect.
- 8.2 In all other respects including the principle of the development, impact on traffic and transportation, preserved trees and sustainability, the proposal is the same as application reference 20/01309/FUL which was previously found be acceptable and compliant with the objectives of the relevant development plan policies and guidance subject to conditions. There have been no material changes in policy since this time. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISISON subject to the following conditions

01: The development hereby permitted shall begin not later than 04.11.2023.

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-P8800, 385-P8801, 385-P8802, 385-P8803, 385-P8804

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

03 Prior to its occupation the materials for the external surfaces of the dwelling hereby approved shall be as set out on plan reference 385-P8801 or any other details that have previously been submitted to and approved in writing by the local planning authority.

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 that has been previously submitted to and agreed in writing by the local planning authority) and fixed shut up to a height of not less than 1.7m above first floor

level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in proposed and neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

05 The hard and soft landscaping and boundary treatments at the site shall be carried out in full accordance with the proposed landscaping scheme including street tree planting as shown on plans ref 385-P8801 and 385-P8802 prior to occupation of the dwelling hereby approved, or any other details that have previously been submitted to and approved in writing by the local planning authority. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

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

06 No drainage infrastructure associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order or Act of Parliament revoking and re-enacting that Order with or without modification, no extensions or detached buildings shall be erected at the development hereby approved specified within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 2015 without the receipt of express planning permission in writing from the Local Planning

Authority.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Southend Design and Townscape Guide (2009).

08 The two car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 385-P8801 shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

09 The tree and tree root protection measures as set out in Sections 3 and 4 of the submitted Arboricultural Impact Assessment and Method Statement by Owen Allpress reference 1971 Rev-02 dated 20/09/20 and associated Tree Protection Plan reference 1974-02-P1 dated 20/09/20, Ground Protection Plan reference 1953-02-P1 dated 21/09/20, Cellular Confinement Plan reference 1953-02-P2 dated 25/05/20 and Tree Works Plan reference 1935-02-P3 dated 25/05/20 in relation to the trees identified as T1-T10 in this statement including the mitigation measures in relation to construction within the root protection areas of the trees denoted as T8, T9 and T10, shall be implemented in full prior to commencement of the development and be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist. The tree works to trees identified as T8 and T9 shall be restricted to that set out in Section 3.4 of the above report.

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

10 Prior to occupation of the dwelling hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105

litres per person per day (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).

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

12 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).

13 The development hereby approved shall be carried out in full accordance with the recommendation set out in table 4.1 and Section 5 of the submitted Ecological Appraisal by The Ecology Consultancy version 3.0 dated 21.09.20 and plan reference 385-P8803 showing proposed habitat measures.

Reason: A 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.

14 The construction management of the site shall be carried out in full accordance with the submitted Construction Method Statement by SKArchitects reference 385-08-16 Rev A and plan reference 385-P805 showing the proposed

site layout plan during construction.

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

15 Before it is occupied the finished levels at the site shall be as set out on plan reference 385-P8804.

Reason: A 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).

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 The roof of the single storey projection on the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

Informatives:

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

avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

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

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

04 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.