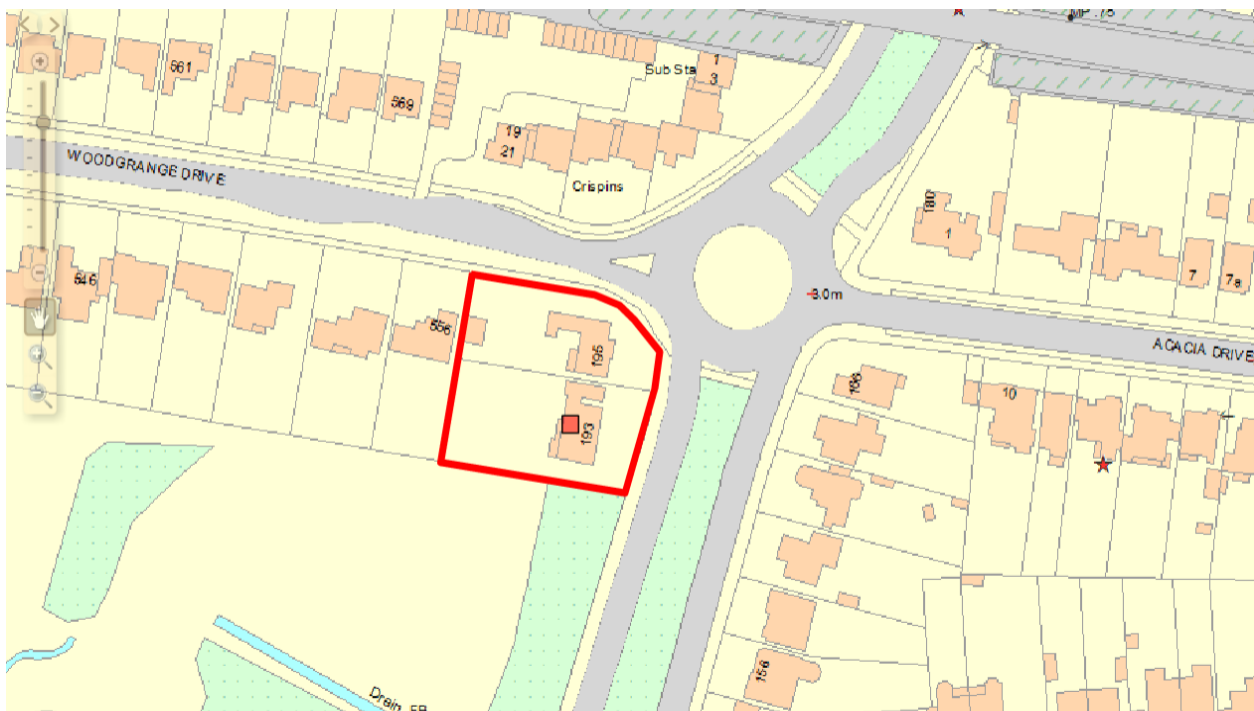


<b>Reference:</b>	17/01738/FULM	
<b>Ward:</b>	Thorpe	
<b>Proposal:</b>	Demolish existing dwellinghouses at 193 and 195 Thorpe Hall Avenue and erect a three storey building comprising of 33No. retirement apartments, install vehicular access onto Woodgrange Drive, layout car parking at rear and landscaping.	
<b>Address:</b>	193 Thorpe Hall Avenue, Thorpe Bay, Essex, SS1 3AP	
<b>Applicant:</b>	Churchill Retirement Living	
<b>Agent:</b>	Planning Issues Ltd	
<b>Consultation Expiry:</b>	24.11.2017	
<b>Expiry Date:</b>	01.02.2018	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan Nos:</b>	40028-TB-PL10; 40028-TB-PL11; 40028-TB-PL12; 40028-TB-PL13; 40028-TB-PL14; 40028-TB-PL15; 40028-TB-PL16; 40028-TB-PL17; 40028-TB-PL18; 40028-TB-PL19; 40028-TB-PL20; 40028-TB-Roof	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



# 1 The Proposal

- 1.1 Planning permission is sought to demolish existing dwellinghouses at 193 and 195 Thorpe Hall Avenue and erect a three storey building comprising 33 retirement apartments, install a vehicular access onto Woodgrange Drive, layout car parking to the rear and provide landscaping.
- 1.2 The existing two storey dwellinghouses to be demolished are a 5 bedroom property at 193 Thorpe Hall Avenue and a 4 bedroom property at 195 Thorpe Hall Avenue.
- 1.3 The building proposed is 'L' shape 35m wide where fronting Woodgrange Drive to the north and 36m in depth fronting Thorpe Hall Avenue to the east. Its overall height is 11.7m to 12m fronting Woodgrange Drive and 11.8m to 12.4m along Thorpe Hall Avenue. The proposed materials include red brick, white rendered bays with a timber effect cedar cladding, upvc white doors and upvc windows
- 1.4 A total of 33 self-contained flats (23 x 1 bed and 10 x 2 bed flats) are proposed to the ground first and second floors of the building. Access to the flats is via two communal entrances on the south-eastern corner of the building via the car park and a pedestrian access from Thorpe Hall Avenue on the east elevation. The internal floorspace for each flat is as follows:

Flat 1	53.8sqm 1 bed (2 persons)
Flat 2	56.2sqm 1 bed (2 persons)
Flat 3	51.1sqm 1 bed (2 persons)
Flat 4	51.4sqm 1 bed (2 persons)
Flat 5	53.5sqm 1 bed (2 persons)
Flat 6	76sqm 2 bed (4 persons)
Flat 7	64.3sqm 2 bed (4 persons)
Flat 8	54.2sqm 1 bed (2 persons)
Flat 9	76.5sqm 2 bed (4 persons)
Flat 10	50.9sqm 1 bed (2 persons)
Flat 11	57.1sqm 1 bed (2 persons)
Flat 12	75.5sqm 2 bed (4 persons)
Flat 12a	50.7sqm 1 bed (2 persons)
Flat 14	54sqm 1 bed (2 persons)
Flat 15	76.7sqm 2 bed (4 persons)
Flat 16	63.2sqm 1 bed (2 persons)
Flat 17	53.5sqm 1 bed (2 persons)
Flat 18	84sqm 2 bed (4 persons)
Flat 19	75.1sqm 2 bed (4 persons)
Flat 20	55.3sqm 1 bed (2 persons)
Flat 21	52.6sqm 1 bed (2 persons)
Flat 22	54.2sqm 1 bed (2 persons)
Flat 23	56.9sqm 1 bed (2 persons)
Flat 24	94.8sqm 2 bed (4 persons)
Flat 25	53.9sqm 1 bed (2 persons)
Flat 26	77.2sqm 2 bed (4 persons)
Flat 27	64.8sqm 1 bed (2 persons)
Flat 28	52.9sqm 1 bed (2 persons)
Flat 29	84.1sqm 2 bed (4 persons)
Flat 30	71.6sqm 2 bed (4 persons)
Flat 31	55.6sqm 1 bed (2 persons)
Flat 32	52.9sqm 1 bed (2 persons)
Flat 33	53.7sqm 1 bed (2 persons)

- 1.5 11 car parking spaces would serve the proposed flats. Two spaces are located to the northwest of the site in front of flat 4 and the remainder of the spaces are to the rear of the site. The vehicle access from Woodgrange Drive would be to the northwest corner of the site adjacent to the eastern boundary of no. 556 Woodgrange Drive. The vehicle access width is 4.5m wide x 45.8m in length.
- 1.6 To the ground floor each flat would benefit from a patio area fronting the car park area or towards Woodgrange Drive to the north and Thorpe Hall Avenue to the east. Two of the flats to the first and second floor would have balconies. The remainder of the flats do not benefit from dedicated amenity space. A communal owners lounge to the ground floor (82sqm) is also proposed with a small patio facing the car park.
- 1.7 The application is accompanied by a planning statement, design and access statement, affordable housing and viability statement, landscape strategy, supporting stakeholder engagement statement, aboricultural impact appraisal and method statement, tree protection plan, ecological appraisal, transport statement, archaeological desk based appraisal, flood risk assessment, drainage strategy and a flood risk sequential test.

## **2 Site and Surroundings**

- 2.1 The site is occupied by two detached houses on the corner of Thorpe Hall Avenue and Woodgrange Drive. The surrounding area is characterised by mainly large family detached housing to the east and west of the site. A three storey flat block is to the north of the site on a corner plot to the North West corner of the Thorpe Hall Avenue and Woodgrange Drive junction and also to the northeast corner of the Thorpe Hall Avenue junction with Acacia Drive. The character is influenced by the maturity and size of street trees and the landscaped central reservation to Thorpe Hall Avenue complimented by the generous planted frontages of properties typical of the area, whereby deep frontages to existing properties create an open character. Existing house designs are mixed but mainly traditional with either hipped or gabled roofs (the exception being the 1970s style flat block opposite to the north). Gable projections, feature detailing and entrances and low brick boundary walls with planted front gardens are characteristic of many nearby properties. Typical materials include brown/red tile, red brick and render, casement windows many with tile hanging or timber board detailing.
- 2.2 The site is located with a flood risk zone 3. There are no other site designations as defined by the Core Strategy and Development Management Document.

## **3 Planning Considerations**

- 3.1 The main considerations in the determination of this application are the principle of the development, flood risk, design and impact on the character of the area, standard of accommodation, traffic and transportation, impact on residential amenity, sustainable construction and developer contributions.

## 4 Appraisal

### Principle of the Development

**National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, CP3, CP4, CP6 and CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM8, DM9 and the Design and Townscape Guide (2009).**

*Loss of the family dwellinghouses and principle of retirement homes*

4.1 Part 2 of Policy CP8 of the Core Strategy states:

*“Residential development proposals will be expected to contribute to local housing needs, including affordable and special needs provision, and the sustainable use of land and resources. To achieve this, the Borough Council will:*

*2. Resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouse, and to protect the character of residential areas”.*

4.2 The proposal would result in the loss of two large detached family dwellinghouses, which is contrary to Policy CP8 of the Core Strategy. However, as set out in Policy DM9 of the Development Management Document, the Council seeks to promote independent living where residents have access to transport services, public services, civic space and amenities. The promotion of independent living is therefore the policy focus of the Council, and the principle of retirement homes in this location is not objected to.

### *Dwelling Mix*

4.3 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. Paragraph 50 of the National Planning Policy Framework states that *‘plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community’*. The proposed development is for 33 retirement flats (23 x 1 bed and 10 x 2 bed), a mix which is appropriate for such housing and is therefore considered in principal.

### **Flood Risk**

**National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1 and KP2**

4.4 The site is located in a flood zone 3, the highest of the three flood zone categories. Residential accommodation is considered to ‘more vulnerable’ development according to technical guidance in the National Planning Policy Framework. The proposed site falls within a residential area and is not specifically designated for future development under Policy KP1 of the Core Strategy.

- 4.5 Paragraph 103 of the National Planning Policy Framework states:  
*“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
  - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*
- 4.6 The applicant has submitted a Flood Risk Sequential Test carried out by Planning Issues dated September 2017 and a Flood Risk Assessment carried out by Peter Brett reference 30481/4038 Revision A dated October 2017. In accordance with the National Planning Policy Framework there is a requirement to provide a suitable basis for assessment to be made of the potential flood risks arising from the development. This windfall site has been assessed against the whole local authority study area. A total of 58 sites were accepted under the Strategic Housing Land Availability Assessment (SHLAA) as the source of reasonably available sites.
- 4.7 In accordance with the Environment Agency Standing Advice regarding development and flood risk in England, the Environment Agency requires a staged approach based on the following:
- Stage 1- strategic application and development vulnerability;
  - Stage 2- defining the evidence base; and
  - Stage 3- applying the Sequential Test

These stages are discussed below.

#### *Stage 1-Strategic Application and Development Vulnerability*

- 4.8 The development proposals are considered to be ‘more vulnerable’ (residential/) and are located within tidal Flood Zone 3a and therefore a sequential test is required.

#### *Stage 2- Defining the Evidence Base*

- 4.9 The sequential test for this specific proposal needs to be applied to the borough as a whole. Alternative development sites have been identified in the borough via the Local Development Framework in terms of the Annual Monitoring Report and Strategic Housing Land Availability Assessment. The Council has identified a five year housing supply and development of this site would be a windfall in terms of providing new housing. Windfall sites are those that have not been specifically identified as available in the Local Plan process that have become available. As a windfall the site has the potential to facilitate sustainable development while contributing to the housing growth targets set out in the Core Strategy.

### *Stage 3-applying the Sequential Test*

- 4.10 The sequential test submitted as part of this application states that it has assessed the application site against alternative and reasonably deliverable sites borough wide. It states that all 58 sites within the Strategic Housing Land Availability Assessment have been formally assessed. 49 of the sites in comparison to the application site (0.20ha +/- 15%) are not considered 'reasonable alternative' sites in terms of size. The remainder of the sites include 8 which have been redeveloped. The only site remaining is the Leas 30-32, owned by the applicant but the Applicant states that the tenants are on a fixed term lease and there are plans to develop the site following the submission of application 17/02047/FUL pending consideration. In light of the above, the applicant states there are no other 'reasonable alternative' sites available within the Borough and there is no local plan policy to exclude from the windfall provision land falling within flood zones 2 and 3a. The Council has identified a five year housing supply and development of this site would be a windfall in terms of providing new housing. Windfall sites are those that have not been specifically identified as available in the Local Plan process that have suddenly become available. The site as a windfall has the potential to facilitate sustainable development while meeting the growth targets set out in the Core Strategy for dwellings.

### *Exceptions Test*

- 4.11 For the exceptions test to be passed the development must comply with the policy guidance contained within the National Planning Policy Framework (Paragraph. 102) which outlines that the following two elements of the Exception Test must be passed for the development to be permitted. (1) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; (2) and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 4.12 The Flood Risk Assessment has been formally assessed by the Environment Agency (EA) who have objected to the proposed development. The Flood Risk Assessment shows that the proposed building would not flood internally in the 0.5% (1 in 200) annual probability with climate change (breach) flood event. However, based upon information contained within the Strategic Flood Risk Assessment, the EA predict that the ground floor could flood to approximately 2 metres depth in the 0.1% (1 in 1000) annual probability with climate change (breach) flood event (based upon the strategic flood risk assessment showing flood depths on site of up to 3.5m). The planning application plans show that there is no suitable higher refuge available on an upper floor within the development. Consequently, the development would result in an unacceptable risk to the health and safety of the occupants on the ground floor in a (residual risk breach) flood event.

- 4.13 The Environment Agency have confirmed that to address this objection a satisfactory higher refuge accessible to occupants of the ground floor flats above the 0.1% (1 in 1000) annual probability with climate change (breach) flood depths, including a 300 millimetre freeboard would be required. The Flood Risk Assessment proposes that the safety of the occupants is reliant upon refuge above the 0.5% annual probability (breach) flood depths on the ground floor and a Flood Response Plan has not been proposed for the site. Due to the vulnerable nature of residential development there are concerns as to whether in this instance it is appropriate or safe for the proposed self-contained ground floor flats to flood internally to such depths without a higher refuge available. It is noted that the standard approach for Churchill Retirement Living developments is based upon a 'safe refuge' policy, and the Environment Agency recommend that the refuge is provided above the 0.1% annual probability breach level (inclusive of climate change). The Environment Agency have confirmed that if a higher refuge is not provided for the ground floor flats then the Environment Agency will only remove their objection if the local council, in consultation with their Emergency Planner, inform the Environment Agency in writing that they accept the flood risk to the future occupants and consider the proposed risk of internal flooding in a breach to be acceptable and safe and able to be managed through the Flood Response Plan for the proposed self-contained ground floor residential development. The Councils Emergency Planner has confirmed Council would not be willing to accept the flood risk and would recommend that the dwellings on the ground floor require safe refuge as stated within the Environment Agency's objection.
- 4.14 In conclusion, the proposed development is located within a high risk flood zone, flood zone 3a, and whilst the proposal demonstrates compliance with the sequential test a statutory objection has been received by the Environment Agency because the Flood Risk Assessment fails to demonstrate that the development will be safe for its lifetime and Officers do not recommend onus should be placed on the Council via the Emergency Planner to accept the flood risk. Thus, the proposal is considered to fail the exceptions test and therefore is contrary to the National Planning Policy Framework and Policies KP1 and KP2 of the Core Strategy.

#### **Design and Impact on the Streetscene**

**National Planning Policy Framework (2012); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policies DM1, DM3 and the Design and Townscape Guide (2009)**

- 4.15 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.

4.16 The Design and Townscape Guide paragraph 2009 states:

*“Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle”.*

4.17 Where such development is acceptable in principle, the Design and Townscape Guide states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm. The existing houses are not in a Conservation Area or Listed so, in principle the redevelopment need not necessarily harm the existing local grain if carried out in a manner which satisfactorily compliments the character and amenity of the locality.

4.18 In terms of the layout of the development, the vehicular access point is sited to the northwest corner of the site along Woodgrange Drive abutting the side boundary of no. 556. The proposed building is organised as an ‘L’ shape with two main entrances from the east elevation and west via the car park. The car park is located to the rear of the site facing no. 556 Woodgrange Drive. The existing properties 193 and 195 Thorpe Hall Avenue are set approximately 10m to 10.5m back from the pavement along Thorpe Hall Avenue and 5.7m back from Woodgrange Drive. The other flat blocks to the north and north east at the junction of Acacia and Thorpe Hall Avenue are stepped back from the highway by between 5.5m to 7.2m and 14m plus but are comprised of a number of different blocks due to the position of entrances. The proposed development has been stepped but would be set materially forward of the neighbouring properties. The proposed development would be set between 4.4m to 7.2m away from boundary to the north along Woodgrange Drive, 2m to the corner junction facing the roundabout and 4.1m to 6.5m back from Thorpe Hall Avenue. The forward siting of the development is considered to be out of character with the surrounding area, where development is set back behind generous landscaped frontages which contribute to the open, green character of the area. The proposal thus fails to reflect the local streetscene and its impact is exacerbated by the scale of the development with limited step back appearing unduly imposing even when compared to other larger blocks surrounding this junction.



- 4.19 In terms of scale, no objections are raised to the principle of a three storey block given the character to the north and north east of the site, however the detailed design of the frontages and overall appearance is discussed in further detail below.
- 4.20 The design of the proposed development is considered to be poor. The applicant has sought to break the overall form of the development with a regular rhythm of gabled features but, even so the proposal lacks interest, appears bland and bulky. The gable features have limited, shallow projections only 1.1m in depth from the main form of the development and the square gable feature to the eastern elevation fronting Thorpe Hall Avenue appears odd and out of character with the wider development. The proportions of the windows fail to relate satisfactorily to the existing building resulting in a number of incongruously small windows, which lack presence given the surrounding area is characterised by houses with typically tall casements and feature fanlights. The roof form with particular reference to the northwest corner is of poor design resulting in a visually weak and poorly articulated roofscape. The change of materials on the elevations has the potential to articulate the frontage. However, whilst no objection is raised to red stock brick or white render, materials alone would not mitigate the harm otherwise caused by the poor design and excessive bulk. Furthermore, the timber effect cedar cladding would appear materially out of character with the typical elevational form of the development in the surrounding area. The entrance fronting Thorpe Hall Avenue lacks focus and impact in the street frontage, which is not satisfactory given the large scale of the development. Overall the proposal appears bland, lacks interest and architectural finesse and would comprehensively result in a poor quality design and harmful visual impact in the streetscene .
- 4.21 In light of the above, the proposed development by reason of its siting, poor design ,scale and bulk would appear overly dominant, out of keeping with and detrimental to the character and appearance of the streetscene. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3 of Development Management Document and advice contained within the Design and Townscape Guide.

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

#### **National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8, National Technical Housing Standards and the Design and Townscape Guide (2009)**

- 4.22 The internal sizes and layouts of the units are considered to be acceptable and will have a satisfactory layout ranging from 51.1sqm to 94.8sqm complying with the National Technical Housing Standards. All habitable rooms would benefit from sufficient outlook and daylight conditions.
- 4.23 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.

Paragraph 5.19 of the Planning Statement submitted with the application states *“the development has been designed to be in accordance with Part M of the Building Regulations and all flats are wheelchair accessible”*. A condition to ensure compliance with the standards could be imposed were the application deemed acceptable.

- 4.24 One of the core planning principles of the National Planning Policy Framework is that the planning system should “Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 4.25 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 4.26 Whilst the Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.
- 4.27 The proposal would include patio areas to flats 1 to 10 at ground floor fronting the car park, Woodgrange Drive and Thorpe Hall Avenue. To the first and second floor flats 11, 21, 23 and 32 would benefit from balconies whereas the remainder of the flats would not have access to specifically dedicated amenity space. Whilst on the landscape strategy it appears that a communal area is proposed to the front of flats 1, 2 and 3 the overall useability of this space is not considered acceptable given residents would look directly into habitable rooms serving the aforementioned flats. Furthermore, the siting of patio areas fronting Woodgrange Drive and Thorpe Hall Avenue cannot be deemed private or useable amenity space given they are sited along the street frontage. In light of the above, given the level of accommodation proposed, the proposal, by reason of lack of useable amenity space for future occupants will result in poor living environment for future occupiers and represents an overdevelopment of the site. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policy DM8 of the Development Management Document.

#### **Traffic and Transportation**

**National Planning Policy Framework (2012), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009)**

- 4.28 The proposal seeks to reinstate the existing vehicle crossovers along Thorpe Hall Avenue and to create a new vehicular access to the northwest corner of the site entering and exiting via Woodgrange Drive.
- 4.29 A total of 11 car parking spaces are proposed to serve 33 residential units. Policy DM 15 of the Development Management Document states 1 space per dwelling is required for retirement developments.

- 4.30 Policy DM15 of the Development Management Document suggests that greater flexibility will be applied where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport. Consideration has been given to the applicants extensive Transport Statement / Design and Access Statement and the justification for providing 11 car parking spaces. Concern is raised that the limited parking provided for the development is not sufficient and would lead to an increase to on street parking within the local area, which is unacceptable. Having reviewed similar applications within the Southend Area recently approved for retirement flats (17/00664/FULM London Road and 13/00854/FULM Southchurch Boulevard) the parking provision for both schemes provided 29 parking spaces for 31 flats in London Road and 32 flats in Southchurch Boulevard had 21 parking spaces, which are both considered to be located within more sustainable locations. In contrast Thorpe Bay District Centre and railway station are some 370m to the east of the application site. Therefore a highway objection is raised due to the short fall in parking associated with the development which may have a detrimental impact on the surrounding highway network.
- 4.31 The applicant has provided vehicle tracking to demonstrate that vehicles can manoeuvre effectively within the parking area and leave in a forward gear. Thus, no objection is raised to the siting of the vehicle access.
- 4.32 The proposal provides covered storage for mobility scooters but, no cycle storage. As set out in Appendix 6 of the Development Management Document 1 space per 8 units is required for such a development totalling 4 spaces. This can be controlled by condition if the application were deemed acceptable although this would be likely to further reduce the amount of space available for amenity provision.
- 4.33 The proposals indicate a refuse store to be located next to the new access road adjacent to the car park. Further details including a waste management strategy would be required to be agreed by condition if this application were deemed acceptable.
- 4.34 Overall, the proposal by reason of insufficient provision of on-site parking will cause additional on street parking to the detriment of highway safety and the local highway network, which is unacceptable and not compliant with policy.

### **Impact on Residential Amenity**

#### **National Planning Policy Framework (2015), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).**

- 4.35 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight.

A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. Policy DM1 of the Development Management requires that all development should (inter alia):

*“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight”*

- 4.36 The only residential property that directly adjoins the site is 556 Woodgrange Drive to the west. The proposed development would be sited 7.8m away from 556's boundary with a landscape buffer strip and vehicle access separating the existing property to the flank elevation of the development. There are a number of secondary obscure glazed windows to the flank elevation of no. 556. The proposed development would be 9.8m high where set 7.8m away from the flank elevation of no 556. Whilst set higher than that adjacent property the development is not considered to be materially so and it is considered that the proposal would not be overbearing nor result in an undue sense of enclosure even taking into account the development is set forward and also projects beyond the existing rear wall. The proposal also complies with the notional 45 degree rule.
- 4.37 The nearest property to the north is 31m away and to the east it is 42m. These separations are considered to be sufficient to mitigate any material harm in terms of an overbearing impact, loss of privacy, daylight or overlooking.
- 4.38 In relation to noise and disturbance, whilst it is noted that the number of vehicle movements and occupiers of the site will increase, taking into account the buffer area to the boundary of no. 556 Woodgrange Drive a suitable condition could be imposed to ensure additional landscaping is planted to mitigate against any potential harm. Taking into account the existing flat development to the north and east of the site and the main roads of Woodgrange Drive and Thorpe Hall Avenue, it is not considered that increased noise and disturbance resulting from activity at the site would be such as to warrant a reason for refusal on those grounds.

### **Sustainable Construction**

#### **Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Design and Townscape Guide (2009)**

- 4.39 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Policy DM2 of the Development Management Document requires all new development to contribute to minimising energy demand and carbon dioxide emissions.
- 4.40 The Design and Access Statement accompanying the application states Heat Pumps renewable technology are to be used together with various other sustainability carbon saving technologies. Whilst no calculations have been provided to demonstrate that 10% of the energy from the development will be renewable as required by Policy KP2 of the Core Strategy, this could be controlled by condition were the application deemed acceptable.

- 4.41 With respect to the requirement for Sustainable Urban Drainage Systems (SUDS), the applicant has submitted a Drainage Strategy. The conclusions suggest that an appropriate surface water drainage strategy complies with DEFRA 'Non-statutory technical standards' and the surface water treatment stages proposed as part of the surface water drainage strategy are in accordance with the SUDS Manual. The proposed drainage calculations have demonstrated that there will be greater than a 50% reduction in runoff rates in comparison to the existing situation, and that the site can be redeveloped without increasing the risk of surface water and could be controlled by condition were the application deemed acceptable.

### **Developer Contributions**

#### **National Planning Policy Framework (2012); Core Strategy (2007) Policies KP3, CP6 and CP8, Community Infrastructure Levy Charging Schedule**

- 4.42 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.
- 4.43 The Core Strategy Policy KP3 requires that:

*"In order to help the delivery of the Plan's provisions the Borough Council will:  
2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed."*

The applicants have submitted a viability assessment which seeks to demonstrate that the proposed scheme cannot support any affordable housing as it generates a deficit of c £0.64m. The council has had that assessment independently reviewed from which it is concluded that the proposed scheme can support a payment in lieu of off-site affordable housing as it would generate a surplus of £0.65m. No Unilateral Undertaking has been submitted to secure such a payment therefore the proposal would fail to meet the Council's policies for provision of affordable housing and is acceptable in that regard.

### **Other matters**

#### *Trees*

- 4.44 The application is accompanied by an Arboricultural Assessment and Method Statement. There are no tree preservation orders protecting the existing trees on site. The proposed development would result in the loss of 21 trees on site that are considered low category due to their poor condition and small size. One moderate tree will also be lost. However this is within the site and has limited amenity value. A landscape strategy has been submitted as part of this application. No objection is raised to the effect on existing trees subject to the quality and impact of new landscaping provided on site. This could be controlled by condition if the application were deemed acceptable. The existing trees to be retained could be protected through relevant tree protection measures as contained within the Arboricultural Assessment.

## *Archaeology*

- 4.45 Thorpe Hall Golf Course to the south of the site has been identified as a historic site and therefore would require a desk-based assessment. The application is accompanied by an Archaeological Desk Based Assessment carried out by Orion. The conclusions are that there is a low potential for the discovery of assets from the prehistoric, Roman, Saxon, Early Medieval, Medieval, Post-Medieval and modern periods. The erection of the two existing properties on the site in the 1950s would have resulted in impact on the ground archaeological assets. The findings conclude there is low potential for any remains of high significance and that the proposed development would not result in the loss of any significant archaeological remains. A mitigation programme of archaeological investigation in those areas of the proposed development which required significant ground reduction and that have not been subject to previous modern ground disturbance could be controlled by condition if the application were deemed acceptable.

## *Contamination*

- 4.46 The Councils Environmental Health Officer has confirmed a substantial part of the site has been identified as being potentially contaminated. A suitable condition requiring investigation and mitigation could be imposed to ensure full details are dealt with by condition were the application deemed acceptable.

## **Conclusion**

- 4.47 Having taken all material planning considerations into account, it is found that the proposed development fails to demonstrate that the lifetime of the development will be safe for future occupiers, thus failing the flood exceptions test. The proposal by reason of its poor design lacking quality and finesse, and its excessive degree of forward siting, scale, and excessive bulk, appear as an overly dominant, architecturally bland and incongruous development harmful to the character and amenities of the surrounding area. The lack of outdoor amenity space serving the flats, together with lack of parking provision is found to result in significant harm. The proposal also fails to make a contribution towards affordable housing provision. In each of these respects the proposal is considered unacceptable and contrary to development plan policy.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF), 2012.
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment & Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 A Guide to Section 106 and Developer Contributions, 2010.

## 6 Representation Summary

### Highways

6.1 The proposal provides 33 sheltered apartments which include 23, 1 bedroom and 10, 2 bedroom apartments. For a class C3 use the Development Management Policy DM15 requires 1 parking space per dwelling for a 1 bedroom dwelling, 2 parking spaces for a 2 bedroom dwelling and 1 space per full time member of staff thus requiring 44 car park spaces. The application provides 11 car parking spaces with additional storage for mobility vehicles. Vehicular entrance/exit to the parking area is via an existing access from Woodgrange Drive. The applicant has provided vehicle tracking to demonstrate that vehicles can manoeuvre effectively within the parking area and leave in a forward gear.

Consideration has been given to the applicants extensive Transport Statement / Design and Access Statement and the justification for providing 11 car parking spaces. However concern is raised that the parking provided with the development is not sufficient and may lead to an increase to on street parking within the local area.

Having reviewed similar applications within the Southend Area recently (17/00664/FULM London Road and 13/00854/FULM Southchurch Boulevard) the parking provision for both schemes provided almost 100% parking provision in a location which has better transport links than the current application.

A highway objection is raised due to the short fall in parking associated with the development which may have a detrimental impact on the surrounding highway network.

### Design and Regeneration

- 6.2
- Given the location on a key junction there is no objection to an increase in density in this location.
  - Given the context around the junction 3 storeys would seem reasonable in this location, the separation to 556 Woodgrange Drive should enable a small change in scale to 3 storeys to be accommodated in the streetscene subject to an appropriate set back from the street
  - The proposal has been amended since pre app and is generally much better balanced in relation to its proportions, particularly in relation to the scale of the roof on the main elevations to the lower floors and the regular rhythm of well scaled bays has helped to break up the scale of the frontages, however, there is a concern that the large flat roof proposed to the NW corner is unconvincing and poor design and will be very evident in the streetscene given the very weak roof proportion here and the gap to the neighbour on this side. A double hipped or gabled roof as seen at the SE corner may work better. As shown this section is considered to be poor design. *(It is also noted that the 3d on p 23, p25 of the DA seems to show even more flat roofs which would be unacceptable also but this may be an error).*

- There is a concern that the proposal is set too close to the boundaries with the street and this is out of character with the area generally where development is set back behind generous landscaped frontages contributing to the Arcadian character of the area. It is therefore recommended that the building line be set back to better reflect local character in this respect. A more appropriate set back would also help to mitigate for the increase in scale in the streetscene. It is considered that as proposed the building would appear more imposing than the other larger blocks surrounding this junction.
- The change of materials on the elevations is noted and has the potential to enrich the frontage, however, it is considered that a more traditional local material such as red tile hanging would work better than the timber effect cedar cladding which would seem out of character with the style of development. This would also help to integrate the development in to the surrounding streetscene. A small scale red tile would also be a better fit in this location than grey. It is also suggested that this detail be consistently applied across the development commencing above ground floor for all gables as this works better with the scale of the development. It is also considered that the gable feature should remain consistent on both street elevations and whilst the lower section with dormer on the north elevation is well balanced, the southern section of the east elevation which includes a small square gable appears rather out of character with the wider development. (The alternative approach to the detailing would be a more modern take on a traditional form as seen in photo C on p14 of the D&A – this would require a more modern window detail, modern feature projecting balconies to the main elevations and modern cladding (not timber effect cedar cladding) but this does not appear to be what the client is asking)
- The through entrance serving both the car park and the street is welcomed however it lacks impact and does not provide a proper focus for the frontage. There is scope to improve this element.
- It is regrettable that the lounge area does not relate better to the garden – this could be resolved by swapping locations with the flat on the north of the entrance
- Windows – the area generally is characterised by tall casements with feature fanlights and this may be more appropriate than the proposed which appear to be sashes. It is also regrettable that some windows have been shortened as this detrimentally impacts on the quality of the frontages to the street in particular.
- Trees - it appears that there may be some quite sizable trees to the rear of the site which are proposed to be felled. It would be to the benefit of the scheme to retain any good quality trees.
- Boundaries - the proposed boundaries are unclear and will need to be conditioned however, whilst a railing and hedge would be considered appropriate to the street the site plan seems to show a wall to the corner and it is unclear how this would relate to the streetscene and remaining boundary treatment. It may be that this is to provide a more robust treatment where the building is close to the pavement however this should be resolved by setting the building back a more appropriate distance rather than erecting a barrier. It is noted that the new build opposite has a much more generous frontage which is more in keeping with local character.



- Parking and refuse - most parking is to the rear and this is welcomed. It is noted that 2 spaces are on the frontage. Given that forecourt parking is common in this area this is accepted provided that it is surrounded by landscaping and set away from the ground floor windows so there is room for a landscaped buffer to protect outlook from these rooms. The location of the refuse area also seems fine subject to details.
- Renewables - 10% renewable energy will need to be provided on site. The DA mentions heat pumps but is very vague. It would be helpful to have more information on the renewables so that they can be properly accommodated on the site.

## Strategic Housing

6.3 The Department for People welcomes the provision of Affordable Housing and therefore supports this application.

Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is outlined below:

10 to 49 units = 20%, 50+ units = 30%

This development therefore does not comply with this requirement as no affordable housing has been offered. The Strategic Housing Team recommends that due to the nature of the accommodation a commuted sum in lieu of affordable housing is sought

As indicated in the Development Management DPD Policy DM7 we would request tenure mix of: - 60/40% (60% rented, 40% intermediate housing).

Strategic Housing would question whether there is a need for additional retirement accommodation in the borough; recent research would indicate an oversupply across Southend of this type of accommodation, and an oversupply of social sheltered/retirement schemes.

With the aforementioned in mind, the Strategic Housing Team recommends a financial contribution in lieu of affordable housing is sought utilizing the commuted sum formula outlined in Southend Borough Council's Interim Affordable Housing Policy.

*NB: We would advise that affordable housing units must meet the latest Technical Housing minimum space standards, for more information regarding Design & Standards for Affordable Housing, contact:- Department for Communities and Local Government*

### Guide to Unit Sizes

Type	1 bed	2 bed	2 bed	3 bed	3-4 bed	4 bed
No: of persons	2	3	4	5	6	7
Unit Sizes in sqm	50 to 58	61 to 70	70 to 90	86 to 99	95 to 112	108 to 121
Built in Storage sqm	1.5	2		2.5	2.5 - 3.0	3.0

## **Environmental Health**

- 6.4 On reviewing the submitted documentation, it is evident that there is reference to heat pump technology although no details regarding the plant, equipment operation or location have been submitted. In addition, there is a plant room located on the ground floor to the south side of the development, however no details in relation to this room have been provided.

It is understood that the bin store will be accessed by residents internally and this would reduce the risk of noise nuisance from bin store access by residents.

External security lighting will be installed to illuminate the driveway, car park area and other areas so there may be potential for light nuisance.

Documentation has been submitted in relation to an archaeological desk based assessment, however previous use of the land isn't documented.

During the demolition and construction phase noise and dust issues may arise which could lead to the hours of work being restricted.

The Environmental Health comments then suggest conditions (in the event of an approval) which, in summary would cover: mechanical extraction, ventilation or air conditioning plant; external lighting; contamination; asbestos survey; hours of construction/ demolition; dust emissions; and burning of waste materials on the site during the construction and demolition.

## **Emergency Planner**

- 6.5 With regards the Environment Agency's objection to the design due to flood risks, the council would not be willing to accept the flood risk and would recommend that the dwellings on the ground floor require safe refuge as stated within the Environment Agency's objection.

## **The Environment Agency**

- 6.6 Flood Risk

Our maps show the site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the demolition of two existing dwelling houses and erection of a three storey building comprising of 33no retirement apartments, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

### **Flood Risk Assessment**

We have reviewed the submitted flood risk assessment (FRA), prepared by Peter Brett Associates, referenced 30481/4038 Revision A and dated October 2017, and do not consider it to comply with the requirements of the PPG. In particular:

The FRA shows that the proposed building would not flood internally in the 0.5% (1 in 200) annual probability with climate change (breach) flood event. However, based upon information contained within the SFRA, the ground floor could flood to around 2 metres depth in the 0.1% (1 in 1000) annual probability with climate change (breach) flood event (based upon the SFRA showing flood depths on site of up to 3.5m). The planning application plans show that there is no suitable higher refuge available on an upper floor within the development. Consequently, there may be an unacceptable risk to the health and safety of the occupants on the ground floor in a (residual risk breach) flood event.

### Overcoming our Objection

The applicant can overcome our holding objection by:

Providing a satisfactory higher refuge accessible to the occupants of the ground floor flats above the 0.1% (1 in 1000) annual probability with climate change (breach) flood depths, including a 300 millimetre freeboard. The FRA proposes that the safety of the occupants is reliant upon refuge above the 0.5% annual probability (breach) flood depths on the ground floor and a Flood Response Plan as not been proposed for the site. Due to the vulnerable nature of residential development we have concerns as to whether in this instance it is appropriate or safe for the proposed self-contained ground floor flats to flood internally to such depths without a higher refuge available. It is noted that the standard approach for Churchill Retirement Living developments is based upon a 'safe refuge' policy, and we recommend that the refuge is provided above the 0.1% annual probability breach level (inclusive of climate change).

Consequently if a higher refuge is not provided for the ground floor flats then we will only remove our objection if the local council, in consultation with their Emergency Planner, inform us in writing that they accept the flood risk to the future occupants and consider the proposed risk of internal flooding in a breach to be acceptable and safe and able to be managed through the Flood Response Plan for the proposed self-contained ground floor residential development.

### Anglian Water

#### 6.7 Section 2 – Wastewater Treatment

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

#### Section 3 – Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### Section 4- Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable.

Section 5 – Trade Effluent  
Not applicable.

### **Essex and Suffolk Water**

- 6.8 The Water Supply (Water Fittings) Regulations 1999 apply to all new works on water service installation and the applicant is required

### **Essex County Fire and Rescue**

- 6.9 Access for fire purposes will be required to be fully assessed at Building Regulation Stage.

Water supplies may be required for fire fighting.

Inclusion of sprinkler systems.

### **Public Consultation**

- 6.10 A site notice was displayed on the 3<sup>rd</sup> November 2017 and 38 residents were notified of the proposal. 19 letters of representation have been received (1 supporting, 18 objecting) and a proforma letter opposing the scheme with 27 signatures has also been received.

Comments made in support (1 received):

- This area needs more senior housing and the position is perfect

Summary of objections;

- No evidence detailing demand for additional retirement properties in the area contrary to Local Plan guidance re. family housing
- Failure to address residents needs for pedestrian facilities
- Failure to provide robust long term solutions for flood protection
- Lack of car parking provision and resulting implications to highway and resident safety
- Scale and size implications to the streetscene
- Falling forward of existing building lines
- Overdevelopment
- Increased traffic and impact on highway network
- Negative impact upon local infrastructure i.e. Doctors surgeries
- Adequate existing provision of sheltered accommodation in the area
- Design concerns
- Out of character
- Poor residential amenity following overcrowding

These concerns are noted and they have been taken into account in the assessment of the application.

- 6.11 Councillors Woodley and Moring have objected to the application on a range of grounds.

Councillor Woodley has requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

- 7.1 None relevant.

## **8 Recommendation**

**Members are recommended to REFUSE PLANNING PERMISSION subject to the following reasons:**

- 1 The proposed development is located within a high flood risk zone (flood zone 3a), and insufficient information has been submitted to demonstrate that the development will be safe for future occupiers over its lifetime. The development is therefore considered to fail the exceptions test and would be unacceptable and contrary to the National Planning Policy Framework, and Policies KP1 and KP2 of the Core Strategy (2007).**
- 2 The proposed development by reason of its height and excessive bulk coupled with its insufficient degree of set back from the site frontages and its bland, overly functional design and appearance including poor articulation and architectural quality, would appear as an overly dominant, obtrusive and incongruous development that is out of keeping with and detrimental to the prevailing character and appearance of the streetscene and the surrounding area. This is unacceptable and contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).**
- 3 The proposed development by reason of insufficient provision of on-site parking would cause additional on street parking in the surrounding area to the detriment of highway safety and the operation of the local highway network. This is unacceptable and contrary to guidance contained within the National Planning Policy Framework (Section 4), Development Management Document (2015) Policy DM15, Core Strategy (2007) Policy CP3 and advice contained within the Design and Townscape Guide (2009).**
- 4 The proposal, by reason of the limited useable amenity space provided for future occupants would result in a poor living environment for future occupiers of the proposed development. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM8 of the Development Management Document (2015) and National Technical Housing Standards DCLG 2015.**

- 5 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to Core Strategy policies CP8 and KP3 and Policy DM7 of the Development Management Document 2015.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

#### **Informatives**

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