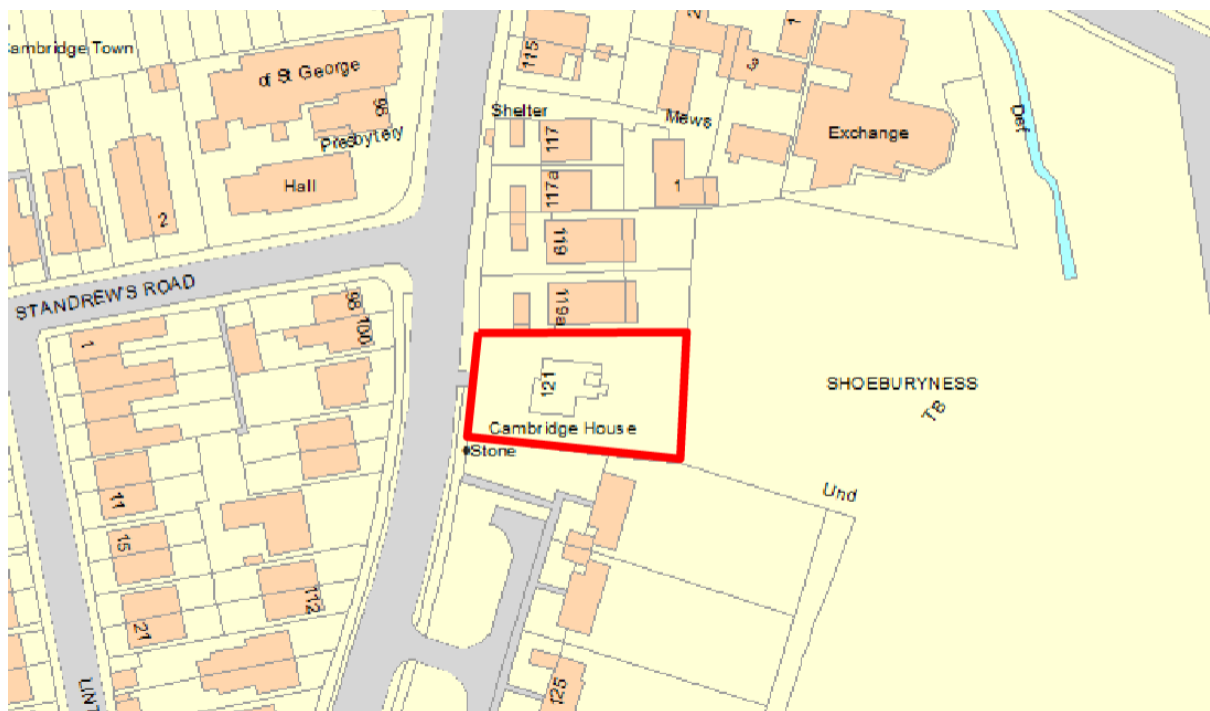


Reference:	16/01469/FUL	
Ward:	West Shoebury	
Proposal:	Demolish building and erect two detached dwellinghouses, associated amenity space, landscaping, layout parking and form new vehicular accesses on to Ness Road	
Address:	Cambridge House, 121 Ness Road, Shoeburyness, Southend-On-Sea, Essex, SS3 9ES	
Applicant:	Mrs M Smith	
Agent:	D.J.W Architectural Designs LTD	
Consultation Expiry:	17 th November 2016	
Expiry Date:	14 th December 2016	
Case Officer:	Anna Tastsoglou	
Plan No's:	1800/Ex1; 1800/01; 1800/02; 1800/03 & Location Plan	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing locally listed building at 121 Ness Road and erect two no. two storey, four bedroom semi-detached dwellinghouses. The dwellings would have asymmetrical gabled roofs to the front and rear elevations and would be of an irregular shape.
- 1.2 Materials to be used would include powder coated black/brown windows and doors, slate roof and the external walls would be finished in face brickwork and stained black boarding. The proposed front hard surfaced area would be formed in block paving. The properties would be bounded by timber boundary fences.
- 1.3 The proposed dwelling at plot 1 would measure 9.2m wide x 14.8m deep to the north and 13.5 m to the south. The dwelling at plot 2 would measure 9m wide x 15m deep to the north and 16.9m to the south. The height to the eaves for both houses would be 5.9m, while the maximum height would be 8.4m.
- 1.4 Internally the houses would be in a form of a lounge, a kitchen/breakfast room, a dining, a study, a utility room, a WC and an integral garage at ground floor and four bedrooms (two with en-suite) and a bathroom at first floor.
- 1.5 The dwellings and their bedrooms and amenity space would measure:
 - House 1 (plot 1): 231sqm
 - Bedroom 1: 21sqm
 - Bedroom 2: 18sqm
 - Bedroom 3: 18sqm
 - Bedroom 4: 18sqm
 - Rear garden: 155sqm
 - House 2 (plot 2): 266sqm
 - Bedroom 1: 18sqm
 - Bedroom 2: 16sqm
 - Bedroom 3: 22sqm
 - Bedroom 4: 19sqm
 - Rear garden: 145sqm
- 1.6 Three parking spaces are proposed to be provided per dwelling and a 3 metre wide crossover is proposed to be formed in front of the each dwelling.
- 1.7 A structural building survey, an ecological survey, a design and access statement and a Flood Risk Assessment have been submitted in support of the proposal.
- 1.8 No evidence regarding M4(2) Building Regulations has been submitted to support the application.

2 Site and Surroundings

- 2.1 The site is located on the eastern side of Ness Road, 20 metres southern from its junction with St. Andrew's Road. The site is occupied by a locally listed building in poor structural condition, which however, is not located within a conservation area or within a group of historic assets. The roof of the building and its original front dutch gable decorative details have been lost and the rest of the building and its fabric are in poor condition following a fire.
- 2.2 The area is residential in character, comprising a mixture of two storey and chalet style dwellings and bungalows, the size, style and design of which varies. To the south of the application site there is a neat run of four detached dwellings, drawing reference from the design of the dwellings in Shoebury Garrison Conservation Area. Two chalet style dwellings are sited immediately adjacent to the north. The properties have high steep roofs finished in dark timber cladding. The site is bounded by a high brick boundary wall.
- 2.3 The site is partially located within flood zones 2 and 3.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, including the loss of locally listed building, design and impact on the character of the area, living conditions for future occupiers, impact on neighbouring properties, any traffic and transport issues, sustainability, CIL liability and flood risk.

4 Appraisal

Principle of Development – Flood Risk

National Planning Policy Framework 2012; Core Strategy Policies KP2, CP4, and CP8; Policies DM1, DM3, DM8 and DM15 of the Development Management DPD

- 4.1 Amongst other policies which support sustainable development, the NPPF includes a requirement to boost the supply of housing by delivering a wide choice of high quality homes. Policy KP2 of the Core Strategy requires that "*all new development contributes to economic, social, physical and environmental regeneration in a sustainable way*". Policy CP8 of the Core Strategy identifies the need for 1,400 homes to be delivered within the Shoeburyness area between 2001 and 2021.
- 4.2 The application site is located within a residential area and it is currently occupied by a locally listed dwelling in poor condition.

Loss of the Locally Listed Building

4.3 Paragraph 133 of the National Planning Policy Framework states that:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.”*

4.4 A planning statement (structural building survey) has been submitted in support of the application confirming the bad condition of the locally listed building, stating that the dereliction of the property (in excess of twenty years) and its structural decay negates any economically rebuild or repair of the locally listed building. It is stated that *“because of long terms dereliction, primarily as a reason of the roof collapse many years ago, has caused so much fragility to the fabric and weather penetration into the structure that it is impractical to adopt this route.”* It is also clarified that the building was purchased by the applicant approximately 4 years ago. The fire, which was the main cause of the dereliction of the house, was 15 years ago and therefore, it is considered that the building was beyond repair before the acquisition of the site from the current owner.

4.5 Whilst it is accepted that there is no evidence suggesting that works have been undertaken in recent years to avoid the continuous decline of the building, it is noted that the property was initially damaged by fire which resulted to its current condition rather than neglect of the heritage asset. It is also noted that Historic England and other local Trusts have been notified and the proposal was advertised and no interest has been raised regarding conservation of the building by grant-funding. In light of the above, in this particular instance, taking into consideration the state of the locally listed building and that it is located outside a conservation area, its retention is not considered viable or reasonable.

Flood Risk

4.6 The site is located within flood zones 2 and 3 and as such, given that the proposal would result in an additional dwelling (partially located within flood zone 3), it is required to pass the sequential and exception tests, according to the guidance contained in the National Planning Policy Framework. Given that the site is located within Shoeburyness, a designated area for regeneration and residential development, the sequential test would need to cover the Shoeburyness Area.

- 4.7 It is noted that that insufficient information has been submitted in relation to sequential test. Although the Flood Risk Assessment submitted concluded that the vulnerability on site would be increased post development (given there would be an additional dwelling on site), information has not been received to ascertain whether there are other available sites within Shoeburyness in Flood Zones 1 or 2 (areas with a lower probability of river or sea flooding) to accommodate the development. Therefore, the proposal fails to demonstrate that there are no other similar plot sizes where a similar development can be accommodated and the proposal fails to pass the sequential test.
- 4.8 Plot 2 would be partially located within flood zone 3 and as such, the proposal should also pass the exception test. No evidence has been submitted in relation to exception test and as such, the proposal fails to demonstrate that flood risk to people and property will be managed satisfactorily and that the development would be safe for its lifetime without increasing flood risk elsewhere.
- 4.9 Policy KP1 of Core Strategy (CS) states that all development proposals within flood risk zone “*shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk*”. It is also noted that “*development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options.*”
- 4.10 As it is noted above, insufficient information has been in relation to sequential and exemption tests and therefore the development fails to demonstrate that there are no other available sites within Shoeburyness area in flood zone 1 or 2, where the development can be accommodated and that it can be safe for its lifetime.
- 4.11 Whilst a Flood Risk Assessment has been submitted, the Environment Agency suggest that ‘*it does not provide suitable basis for assessment to be made of the flood risks arising from the proposed development*’ and that it fails to provide details regarding finishing floor levels and assess breach and overtopping risk. Furthermore, no topographic survey has been submitted with the application. Therefore, the proposed development is not considered acceptable in terms of flood risk.

M4(2) Building Regulations and Local Context

- 4.12 Since the 1st of October 2015 Policy DM8 of the Development Management DPD has been substituted by building regulation M4 (2). This advocates a step-free access to the dwelling and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach. The applicant has not submitted information demonstrating that the proposed two storey dwelling meets the criteria of building regulation M4 (2) and therefore, an objection is raised in relation to the submission of insufficient information to allow the officer to assess whether the house would be appropriate for the needs of the older residents and wheelchair users.

- 4.13 The property is located within a residential area and it is currently occupied by a detached two storey building. Although no objection is raised to the provision of a residential use in this area, given that insufficient information has been submitted in relation to sequential and exception tests, it cannot be considered that the provision of the two proposed dwellings would be acceptable in principle.
- 4.14 The site abuts a highway to the west and it is therefore, notwithstanding the loss of the listed building and flood risk issue outlined above, this site is an infill development and therefore, it should also be assessed as to whether the site is otherwise suitable to accommodate two dwellings.
- 4.15 Policy DM3 of the Development Management DPD promotes *“the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*
- 4.16 Policy DM3 (2) requires that all development on a land that constitutes backland and infill development will be resisted where the proposals:
- “(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
 - (ii) Conflict with the character and grain of the local area; or*
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*

These issues would be discussed in detail later in the report.

Ecology

- 4.17 The site has been remained away from human activity for several years and it is possible that local ecological assets to inhabit on site. For this reason an ecological survey has been submitted, which concludes that no plant species or protected habitats recorded on site and in relation to wildlife species (which are of low/negligible value), it is stated that any adverse impact from the proposed development, which is considered to be insignificant, can be mitigated, should the development would comply with relevant wildlife legislation. Should permission be granted, this would be secured by condition.

Design and Impact on the Character of the Area

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; SPD 1 (Design & Townscape Guide (2009)); Policies DM1 & DM3 of the Development Management DPD

- 4.18 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD.

The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 4.19 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* One of the core planning principles of stated in the NPPF requires *“to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.20 Policy DM1 of the Development Management DPD 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”*.
- 4.21 According to 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”*.
- 4.22 Paragraph 201 of the Design and Townscape Guide states that *“where it is considered acceptable in principle, the key to successful integration of these sites into the existing character is to draw strong references from the surrounding buildings. For example, maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties reinforces the rhythm and enclosure of the street. This does not necessarily mean replicating the local townscape, although this may be an option.”*
- 4.23 The immediate area is mixed, comprising various styles of dwellings. The frontages of the dwellings, as proposed, would have sufficient width and the total plot size is considered sufficient for the purposes of the proposed development. With regard to the siting of the dwelling, given that there is no uniform building line; and that a sufficient distance has been maintained between the proposed dwellings and the highway no objection is raised in relation to the their siting within the plot.
- 4.24 The properties within the vicinity are predominantly two storey dwellings, and as such, the provision of two storey dwellings in this location would not detract from the character of the area. However, given that the proposal would result in loss of a locally listed building, it is considered that the replacement development should be of high quality and exceptional design.
- 4.25 A streetscene plan has been submitted and although the ridge height of the proposed dwellings would be set marginally higher in relation to the chalet style dwellings to the north and the two-storey dwellings to the south, given the separation distance between the properties and the general varying ridge heights within the area, it is not considered that this would result in an unacceptable impact on the character of the area. As noted above, in the absence of a uniform front building line, no objection is raised to the positioning and shape of the proposed dwellings.

- 4.26 It is proposed to erect 2 no. four bedroom, two-storey, dwellings with asymmetrical gables, incorporating front gable projecting features and integral garages. Whilst the proposed dwellings do not directly reflect the design and style of the neighbouring properties, some reference has been drawn from the chalet style properties to the north, in terms of gabled to front roof design and the external finishing materials, as they have been shown in the plans submitted. It is noted that timber cladding and picture windows can be found in the wider Shoeburyness area.
- 4.27 The elevational design of the dwelling at plot 2 is considered in general acceptable. The proposed front projecting half-gable feature incorporating the corner picture windows would add interest to the dwelling. It would be however preferable to see the ground floor corner to window to be elongated. There is no objection to the proposed integral garage, given that it would be positioned back from the front projecting feature. The visual images submitted show a slight offset of the first floor over the integral garage. High quality detailing under this projection would need to be ensured. Although, no details have been submitted in relation to this, is considered that this could be agreed by condition. If permission were granted, a sufficient level of fenestration is provided to the south flank elevation of the proposed dwelling 2 and a recessed area is shown in the middle of this elevation, which is considered to break down the long elevation.
- 4.28 In relation to the elevational design of dwelling 1 (plot 1), it is considered that it should reflect more the design of house 2. Given that the projecting feature is the most prominent element of the dwelling, it is considered that a garage door, at this position, would not enhance its appearance. Furthermore, as proposed, the front projecting feature lack of fenestration and architectural merit. Although at pre-application stage it was recommended that the integral garage be positioned to the recessed area, allowing the projecting part to incorporate longer windows and create a focal feature, this has not been brought into the design, resulting in demising the quality of the design of the dwelling. Overall, it is considered that the design of the proposed dwellings has not been considered carefully, resulting in a development of limited architectural merit, which would not appropriately replace an existing locally listed building and it would have a detrimental impact on the locality more widely.
- 4.29 No objection is raised to the elevation design of the rear and side elevations. Sufficient fenestration has been incorporated and also there is no objection to the design of the proposed rear Juliet balconies.
- 4.30 Soft landscaping is proposed to be provided to the front curtilage of the dwellings, which is considered positive, as it would soften the new development.
- 4.31 According to SPD1 refuse storage and recycling should not be visible from the streetscene and as such, it should be located either internally to the development or to the rear of the property, to minimise the adverse visual impact. Refuse storage has been shown to the rear of the properties, away from public views and as such, no objection is raised in that respect.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4 and CP8; SPD1; Policy DM8 of the Development Management DPD and National Housing Standards

- 4.32 Delivering high quality homes is one of the Government's requirements according to the NPPF. Since 1st of October 2015 Policy DM8 of the Development Management DPD has been superseded by the National Housing Standards regarding the minimum internal floorspace standards.
- 4.33 The proposal is to form two no. two-storey, four bedroom (8 persons) dwellinghouses. The proposed dwellings would comfortably exceed the national internal floorspace standards.
- 4.34 The National Housing Standards state that double bedrooms should be at least 11.5sqm. The proposed double bedrooms would meet the above minimum standards. All habitable rooms would have sufficient outlook and ventilation and light.
- 4.35 Policy DM8 states that all new dwellings should "*make provision for usable private outdoor amenity space for the enjoyment of intended occupiers*" The proposed rear gardens would be of sufficient size and they would meet the outdoor requirements of the future occupiers. As such, no objection is raised in that respect.
- 4.36 Refuse storage is proposed to be installed within the rear garden. Although no details have been submitted in relation to the cycle store, it is considered that the rear garden would be of a sufficient size to accommodate storage for bicycles. Therefore, no objection is raised in relation to the living conditions of the future occupiers.

Impact on Neighbouring Properties

NPPF; Development Management DPD Policy DM1; SPD 1 (Design & Townscape Guide (2009))

- 4.37 The Design and Townscape Guide (SPD1) states that "*extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.*" (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities "*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*"

- 4.38 With regard to the impact on the adjacent property to the north (No 119A Ness Road), the proposed development would be located a minimum of 1 metre away from the northern boundary and around 3 metres away from the adjacent chalet dwelling to the north. Dwelling 1 would be located 2.2 metres back from the neighbouring dwelling and hence, it is not considered that it would result in a detrimental impact on the amenities of the occupants of No. 119A Ness Road, by way of overshadowing or domination. Concerns have been raised by neighbours regarding the impact on the proposed development on the clear windows along the south elevation of No. 119A. Following a site visit, it is noted that the proposed windows along the south elevation at ground floor were windows to a kitchen and a dining room, which are in a form of an open plan with the lounge, which also has windows to the rear (east). Therefore, notwithstanding a minor breach of a 45° angle taken from the bottom sill of the ground floor windows, on balance, it is not considered that the impact would be such detrimental to warrant refusal of the application.
- 4.39 The proposed windows in the north flank elevation would not be windows to habitable rooms and as such, should the proposal recommended for approval; they would have been conditioned to be glazed in obscure glass. The en-suite window at first floor in the south flank elevation of house 1 would also be conditioned to be glazed obscure glass to prevent overlooking the proposed dwelling 2 to the south.
- 4.40 Whilst the proposed dwelling to the south would be sited forward the neighbouring dwellings to the south a 4 metres separation distance would be maintained between the new development and the existing dwelling to the south. Furthermore, given the northern siting of the development in relation to the dwelling to the south, it is not considered that it would result in a material harm on the neighbours' amenities, in terms of loss of light or undue sense of enclosure. The windows proposed in the south flank elevation would not be positioned directly opposite any neighbouring windows and hence, the proposal would not result in an actual or perceived overlooking. Similar to the reason stated above, the windows of house 2 in north flank elevation at first floor would have been conditioned to be glazed in obscure glass, should permission
- 4.41 It considered that the relationship between the two proposed dwellings would be acceptable, given their positioning.
- 4.42 A minimum of 10.6 metres separation distance would be maintained to the rear boundary and as such, the proposed development would not result in a greater impact on the amenity of the future occupiers of the site to east.

Traffic and Transport Issues

NPPF; Policy DM15 of the emerging Development Management DPD; SPD1

- 4.43 Policy DM15 of the Development Management DPD requires all development to provide adequate off-street parking.
- 4.44 An integral garage and two off-street parking spaces are provided per dwelling and therefore, the proposal meets the parking standards as set in the Policy DM15.

- 4.45 Ness Road is a classified road and as such, vehicles should enter and leave the site in forward gear. Paragraph 172 of the SPD1 advises that *“forecourt parking on classified roads will be required to include turning facilities or an ‘in and out’ drive for safety reasons”*. The front curtilage of the properties would be of sufficient size to allow vehicles to turn on-site (plot 1: 9.6m x 12.7m and plot 2: 11.1m x 10m). Two crossovers of 3m width are proposed to replace the existing crossover. It is therefore considered that the proposed crossovers and front hardstanding would be of sufficient size to allow vehicles to enter and leave the site safely.
- 4.46 Therefore, no objection is raised in relation to off-street parking provision and access.
- 4.47 No cycle storage has been shown on-site; however, should permission be granted, this would have been required by condition.

Use of on Site Renewable Energy Resources and Sustainable Construction

National Planning Policy Framework 2012, Core Strategy Policy KP2 and SPD1; Development Management DPD Policy DM2

- 4.48 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), such as those set out in SPD 1 Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration.”* Policy DM2 of the Development Management DPD also states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*
- 4.49 No information has been submitted in relation to the provision of renewables on site. However, it is considered the elements can be satisfactorily provided a condition in relation to submission of details and features of on-site renewables is proposed.
- 4.50 Policy KP2 of the Core Strategy states that *“avoidance of flood risk, or where, having regard to other sustainability considerations a residual risk remains, the provision of measures to appropriately and adequately mitigate that risk. All development proposals should demonstrate how they incorporate ‘sustainable urban drainage systems’ (SUDS) to mitigate the increase in surface water run-off, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk”*. The site is located within flood zone 2 and 3 and it is considered to be at high risk of flooding and no details of sustainable urban drainage systems to mitigate surface water and tidal or fluvial risk have been submitted. It is therefore considered that the development fails to demonstrate that sufficient SUDS can be provided of site to mitigate flood risk.

- 4.51 Policy DM2 (iv) of the Development Management Document 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, appliances and water recycling systems such as grey water and rainwater harvesting.*” Whilst details have not been submitted for consideration at this time, this will be required by condition.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.52 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 would also be CIL liable.

Other Matters

- 4.53 It is noted that any alterations/extensions to the dwellings may result in unacceptable living conditions of the future occupiers (for example should the rear amenity space would be significantly reduced by a rear extension) or impact on the neighbouring. For these reasons it is considered reasonable that, if permission were granted, permitted development rights for the proposed dwellinghouses be removed for classes A, B, C, D, E and F.

5 Conclusion

- 5.1 The proposal fails to meet the requirement of the sequentially and exception tests in relation to flooding and the submitted Flood Risk Assessment is unacceptable. Furthermore, by reason of its design, in particular the elevational design of dwelling 2, would result in a detrimental impact on the character of the area. It is also noted that insufficient information has been submitted to demonstrate that the proposal meets the criteria of the Building Regulation M4 (2) and also details of sufficient SUDS on site to mitigate flood risk. The proposed development is therefore unacceptable in principle and contrary to the provisions of the Development Plan.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): Section 4 (Promoting sustainable transport), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).

- 6.3 Development Management DPD 2015: DM1 (Design Quality), Policies DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide, 2009.
- 6.5 CIL Charging Schedule 2015
- 6.6 National Housing Standards 2015

7 Representation Summary

Transport & Highways

- 7.1 There are no highway objections to this proposal both dwellings have off street parking for at least 3 vehicles which exceeds the current policy standard. It is not considered that the proposal will have a detrimental impact on the public highway.

Design and Regeneration

- 7.2 Loss of locally listed building

The building is locally listed and was an attractive historic building, however, it was initially damaged by fire which contributed significantly to its current state rather than just neglect. The structural report identifies significant defects with the structure including at foundation level which suggests that substantial demolition would be required even if reinstatement was proposed. This would therefore result in a substantially new building and not the retention of the existing historic fabric and therefore there would be a loss of integrity as the proposal would essentially be a new building. It is also noted that whilst the proposal is locally listed it is not within a conservation area or within a group of historic assets and therefore its loss would not appear out of character in this particular streetscene.

Design

The design is broadly the same as submitted at the pre-application stage. A couple of small changes have been made including a short corner window to the first floor of plot 1 and a small additional window at first floor to reduce the amount of black space but the suggestion to relocate the garage to the more recessed section to reduce its prominence and the recommendation to elongate the corner windows on both plots to create more of a focal feature has not been brought into the design and this is regrettable and will lessen the quality and interest of the proposal overall. It is also considered that the soldier course lintel be omitted as these are a traditional feature and clash with the more modern styling of the development.

Parks

- 7.3 No comments received.

Waste Management and Street Scene

7.4 No comments received.

Environment Agency

7.5 Flood Risk

The Environment Agency has reviewed the submitted FRA, prepared by UNDA Consulting Ltd, referenced 86438-Wall-CambridgeHS and dated June 2016, and considers it does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Provide details of the finished floor levels for the ground and first floors (in mAOD)
2. Assess breach and overtopping risk for the proposed development
3. No topographic survey has been submitted with the application.

Overcoming our Objection

1. The development as proposed would be subject to floodwater entering properties in a 0.5% (1 in 200) annual probability event with climate change. Finished floor levels for the proposed development should be set 300 millimetres above the 0.5% (1 in 200) annual probability with climate change flood level. This is to protect the proposed development and its users from flooding. This is in line with the requirements of Paragraphs 059 and 060 of the Planning Practice Guidance, which advises that there should be no internal flooding in 'more vulnerable' developments from a design flood 0.5% (1 in 200) annual probability inclusive of climate change. The breach flood level can be used to determine finished floor levels.

2. The applicant should refer to Southend-on-Sea Borough Council's Strategic Flood Risk Assessment (SFRA) for the relevant breach and overtopping information

3. Submit a GPS verified topographic survey (in metres above ordnance datum)

The applicant can overcome our objection by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will be safe and will not increase risk elsewhere. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

Historic England

7.6 No comments received. The application should be determined in accordance with national and local planning guidance.

Building Control

7.7 No comments received.

Structural Engineer

7.8 No comments received.

Public Consultation

7.9 Eight neighbours have been consulted and a site notice posted on site and two representations have been received, as follows:

- Loss of light. **[Officer Comment: Please refer to section 'Impact on Neighbouring Properties'.]**
- Although the neighbour welcomes a new development, he suggests that a similar dwelling to the existing listed building would more appropriate.
- Loss of locally listed building. **[Officer Comment: Please refer to 'Principle' section.]**

7.10 Councillor Cox has requested that this planning application go before the Development Control Committee for consideration.

8 Relevant Planning History

8.1 91/0142 - Alter side elevation and use dwellinghouse as women's refuge. Planning permission granted.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposed development is located partially within a high risk flood zone (flood zone 3a), and insufficient evidence has been submitted to demonstrate that other sites appropriate for the proposed development with a lower probability of flooding are not reasonably available and that the development would be safe for its lifetime in terms of flood risk. Thus the development is considered to fail the sequential and exception tests and it would result in a detrimental impact on the safety of the future occupiers. Therefore the proposal is contrary to the National Planning Policy Framework and policies KP1 and KP2 of the Core Strategy.**
- 02 The proposed development by reason of its design, in particular the elevational design of the dwelling 2, including the lack of fenestration and position of the integral garage, would appear out of keeping with the character of the streetscene to the detriment of its appearance and the character of the wider area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and Design and Townscape Guide SPD1.**

- 03** Insufficient information has been submitted to demonstrate that the proposal meets the criteria for the Building Regulation M4 (2). Thus the development fails to prove that it will result in accessible and adaptable dwellings for older people or wheelchair users, contrary to the NPPF, Policy DM8 of the Development Management DPD and National Housing Standards 2015.
- 04** Insufficient information has been submitted to demonstrate that sufficient sustainable urban drainage systems can be provided within the application site to mitigate the in the increase in surface water and tidal or fluvial flood risk, contrary to the NPPF and Policy KP2 of the Core Strategy.

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.

Informative

- 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.