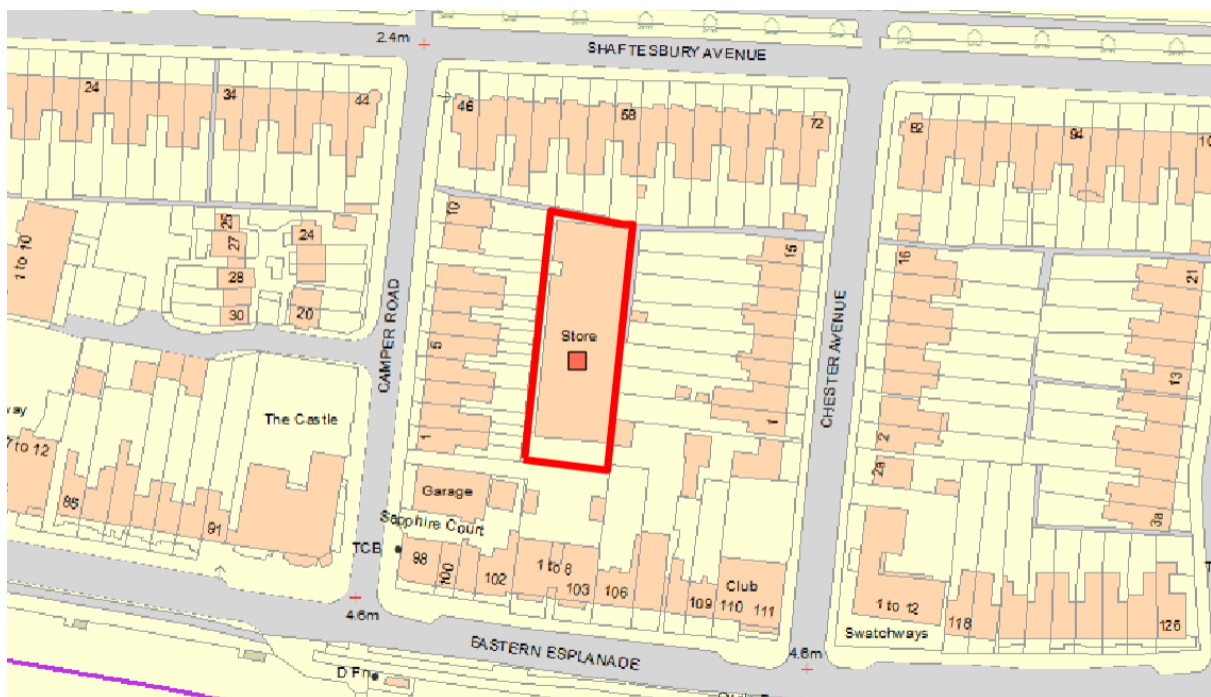


<b>Reference:</b>	16/01901/FUL
<b>Ward:</b>	Thorpe
<b>Proposal:</b>	Erect two storey side extension to form terraced house and layout parking
<b>Address:</b>	1 Mayfair Place, Southend-On-Sea, Essex, SS1 2FR
<b>Applicant:</b>	Stockvale Properties Limited
<b>Agent:</b>	SKArchitects
<b>Consultation Expiry:</b>	22.12.2017
<b>Expiry Date:</b>	02.02.2017
<b>Case Officer:</b>	Janine Rowley
<b>Plan Nos:</b>	P01 Revision C; P04; P10
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 The Proposal**

- 1.1 Planning permission is sought to erect a two storey side extension to form a one bedroom terraced house and layout parking and amenity area.
- 1.2 The proposed dwelling is 4m wide x 8.8m deep x 8.2m high.
- 1.3 The internal floorspace equates to 62.5sqm and the internal layout will include a living room, kitchen and wc to the ground floor and a bedroom, study and bathroom to the first floor.
- 1.4 One parking space is proposed to the south together with a private amenity area of 36sqm.
- 1.5 The existing development allowed at appeal (reference app/2164587) was for the redevelopment of the site for 5 two storey dwellinghouses with associated amenity and parking. All the dwellinghouses have been completed.
- 1.6 There is a concurrent planning application reference 16/02061/FUL to retain the existing parking layout constructed for the five existing dwellinghouses but this application has to be assessed independently.

## **2 Site and Surroundings**

- 2.1 The site is occupied by five, two storey dwellinghouses with associated amenity space. The surrounding character is for a two storey properties to the north, east and west with larger flatted developments to the south.
- 2.2 To the north of the site are residential properties fronting Shaftesbury Avenue which have rear gardens backing onto the application site.
- 2.3 To the east and west of the site are residential properties fronting Chester Avenue and Camper Road whose rear gardens also back onto the application site.
- 2.4 To the south of the site is a shared right of way and access and beyond this is Thorpe Lodge which contains flats.
- 2.5 The area is generally residential in character, with some commercial uses fronting Eastern Esplanade.
- 2.6 The site is located within flood zone 3a (high probability of flooding).

## **3 Planning Considerations**

- 3.1 The main considerations of this application are the principle of the development, design, traffic and transportation and impact on residential amenity, flood risk sustainable construction and CIL chargeable.

## 4 Appraisal

### Principle of Development

**National Planning Policy Framework; DPD1 (Core Strategy) Policies KP1, KP2 and CP4; Development Management DPD2 policies DM1, DM6, DM3, DM7, and the Design and Townscape Guide SPD1 (2009).**

- 4.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed.
- 4.2 The site is situated on land currently to be used partly as communal amenity and car parking serving a recent housing development (11/00507/FUL), which has been completed and is now occupied. The applicant constructed the parking layout differently to the approved scheme and is currently seeking separate permission to retain the parking bays to the southern pair of semi-detached dwellings under application 16/02061/FUL.
- 4.3 Policy DM3 of the Development Management Document DPD2 states that the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner responding positively to the local context and not leading to over-intensification. Any infill development will be resisted if it creates a detrimental impact on the living conditions and amenity of existing and future residents or neighbouring residents, conflict with the character or grain of the local area, result in a contrived and unusable garden space for existing and proposed dwellings or result in the loss of local ecological assets.
- 4.4 Section 5.3 of the Design and Townscape Guide (SPD1) deals with infill development and it is stated:
- “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 useable 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. Unless an exceptional design solution can be found, infill development will be considered acceptable”.*
- 4.5 Where such development is acceptable in principle, SPD1 states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm.
- 4.6 Each of the relevant points detailed in Policy DM3 of the Development Management Document DPD2 and the other relevant planning policies are discussed below. No objection is raised in principle to residential development in this location subject to the other detailed material planning considerations discussed in detail below.

## **Flood Risk**

### **National Planning Policy Framework, Core Strategy Policy KP2**

4.7 The site is located within Flood Zone 3a (high probability of flooding) and the applicant has submitted an FRA which considers risk of flooding, access and resilience measures.

4.8 Paragraph 103 of the NPPF 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<sup>20</sup> 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.”*

4.9 The proposed site falls within the Central Seafront Area under Policy KP1 of the adopted Core Strategy. This area is promoted as an area for regeneration and growth. The preamble to KP1 notes there are limited options to achieve regeneration and growth within the borough and that development on flood plains would be considered. Policy KP1 directs development into the area in which the site falls. This policy was adopted following The Thames Gateway South Essex Partnership Strategic Flood Risk Assessment. A total of 550 new dwellings have been earmarked for the seafront area between 2001-2021. It is considered further development in the central seafront area is acceptable in principle subject to a site specific investigation. The proposal is therefore considered to pass the requirements of the sequential test.

4.10 For the exceptions test to be passed it must be demonstrated that

- a) The development provides wider sustainability benefits to the community that outweigh flood risk
- b) The development should be on developable, previously developed land
- c) A flood risk assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

4.11 The proposal would provide sustainability benefits by resulting in a more efficient use of land. The site is also previously developed land. Parts A and B of the exceptions test of the NPPF are therefore, considered to be satisfied in this instance.

- 4.12 Part C of the exception test set out in in the NPPF, requires development to be safe. The Environment Agency advises that the safety of residents is reliant upon either evacuation prior to floodwater reaching the site or safe refuge, above the flood level.
- 4.13 In this instance the FRA submitted with the application has demonstrated that the site is defended to a level in excess of the 1 in 200 year tide level, however, including allowances for future climate change, over the lifetime of the development (100 years), the defences may overtop. The Modelling Report submitted has therefore analysed various scenarios which could occur in various flooding events.
- 4.14 The results show that where the defences remain intact; the site will not be affected by floodwater during the 1 in 200 year flood event. During the 1 in 1000 year 'extreme' event, the site would be inundated with floodwater to a depth of 1.7m, within 20 minutes. In this scenario, there would be no safe access/egress to the site and residents will require 'flood warning'. It is proposed to set floor levels for residential accommodation at 3.3m AOD at ground floor level. This is 300mm above the water surface elevation during the 1 in 200 year flood event where the defences remain intact. However, if the defences were to be breached in a 1 in 200 year flood event, the water surface elevation on site would be 4.9mAOD, with 2.2m of flood water surrounding the buildings. The Environment Agency has recommended first floor levels to be set to 6.2m AOD to address this issue. A flood evacuation plan is required by condition and the applicant will be advised to sign up to the Environment Agency's early flood warning service.

### **Design and Impact on the Character of the Area**

#### **National Planning Policy Framework- Delivering a wide choice of high quality homes, Requiring good design; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management Document) policy DM10 and Design and Townscape Guide SPD1 (2009)**

- 4.15 Paragraph 56 of the NPPF states *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*.
- 4.16 Policy KP2 of the Core Strategy requires all new developments respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 4.17 Policy DM1 of the Development Management states that the Council will support good quality, innovative design that contributes positively to the creation of successful places. All developments 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

- 4.18 The overall design and scale of the dwellinghouse has sought to replicate the pair of semi-detached properties to which it would be attached to in terms of its roof form, eaves alignment, fenestration and materials, which is welcomed.
- 4.19 The main entrance to the existing dwellings is via a footpath and landscaped area, where the proposed dwelling is sited. The proposal by reason of its siting would result in a restricted and confined access to the dwellings, to the detriment of the occupiers and contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 of the Development Management DPD2. The access width to the properties would be reduced to a 1.6m alleyway that all occupiers of the existing houses and future occupiers would use. The resulting alleyway will not appear attractive or inviting, particularly during the evening, reducing the overall legibility of this site, and resulting in a poor quality residential environment for existing and potential future occupiers.

### **Living Standards for future occupiers**

#### **National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)**

- 4.20 The internal floorspace of the proposed dwelling is 62.5sqm (1 bedroom 2 persons). The current standards require 58sqm for a two storey 1 bedroom (2 people) dwellinghouse together with 1.5sqm of cupboard storage. Whilst it is noted there is a study to the first floor the size of the room has a width of 1.6m x 1.9m deep with an internal floor area of 3.3sqm. In accordance with the National Technical Housing Standards, in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and is at least 2.15m wide, which the study room fall short off it is unlikely to be used as a bedroom. All habitable rooms would benefit from sufficient daylight and outlook.
- 4.21 One of the core planning principles of the NPPF 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”*.
- 4.22 Policy DM8 of the Development Management Document DPD2 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.
- 4.23 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”*.
- 4.24 The proposed dwellinghouse will have access to an amenity area to the south equating to 36.2sqm, which is small but considered sufficient useable space for potential future occupiers as the dwelling will not be used for family accommodation and therefore no objection is raised on this basis.

## **Traffic and transportation**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policy DM15 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.**

- 4.25 The existing site is accessed from a road serving a number of properties to the rear of Camper Road. The principle of residential uses in this location has been previously accepted, given the 5 dwellings constructed following the appeal allowed under application 11/00507/FUL. The current development was allowed prior to the adoption of the Development Management Document DPD2 and each dwelling has 1 parking space in accordance with policy at that time. Policy DM15 of the Development Management Document DPD2 has since been adopted and requires at least two parking spaces to be provided per dwellinghouses in this location. However, on balance, taking into account that this will be a one bedroom dwellinghouse no objection is raised to the parking provision of only one space in this location.

## **Access**

- 4.26 The proposed extension to facilitate a new dwelling house would reduce access to the existing frontages and neighbouring dwellings. An objection has been received from the fire service stating the development would detrimentally affect their ability for fire fighting to affectively search and rescue and fight fire, due to the proposed extension reducing the access area to the properties to a single pathway. This is considered to be contrary to the NPPF in terms of providing safe and accessible environments.

## **Impact on residential amenity**

**National Planning Policy Framework, Development Management DPD2 policy DM1, Core Strategy Policies KP2 and CP4, Development Management Document DPD2 policy DM1 and the Design and Townscape Guide (SPD1)**

- 4.27 Policy DM1 of the Development Management Document states that any new development should 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. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, 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.
- 4.28 The proposed dwelling will be sited 9.3m in front of the existing terraced block to the north of the site. The nearest residential property to the west of the site (properties in Camper Road) is 12m. It is not considered the proposed dwellinghouse will be overbearing nor result in loss of daylight to the amenities of adjacent residential occupiers.

## **Sustainable Construction**

**National Planning Policy Framework; DPD2 (Development Management) policy DM2, DPD1 (Core Strategy) policy: KP2 and the Design and Townscape Guide SPD1.**

4.29 Policy KP2 of the Core Strategy states:

*“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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”.*

4.30 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. In this instance the applicant has indicated that photovoltaic panels will be used to meet the requirement of policy KP2 of the Core Strategy and further details can be sought if this application is deemed acceptable.

4.31 Policy KP2 of the Core Strategy DPD1 requires the need for all new development to incorporate SUDs to enable surface water attenuation for the site. No details have been submitted at this time however, if the application is deemed acceptable a suitable condition can be imposed.

4.32 Policy DM2 of the Development Management Document part (iv) requires 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 can be dealt with by condition if the application is deemed acceptable.

## **Contamination**

**National Planning Policy Framework, Policy DM14 of the Development Management Document DPD2**

4.33 Concerns have been raised in relation to contamination matters however, if this scheme is deemed acceptable conditions can be imposed to ensure full investigative details and relevant certificates are submitted.

## **Community Infrastructure Levy (CIL) Charging Schedule.**

4.34 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.



## **Other Matters**

- 4.35 It is noted that given the limited size of the plot and buildings, any alterations/extension of the dwellings allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without modification, may result in unacceptable living conditions of the future occupiers (i.e. should the rear amenity space would be significantly reduced by a rear extension) or impact on the neighbouring properties (i.e. increased overlooking from dormer windows). For this reason it is considered reasonable that permitted development rights for the proposed dwellinghouse be removed from this proposal if the application is deemed acceptable.

## **Conclusion**

- 4.36 For the reasons set out above the proposed development by reason of siting would result in a restricted and confined access to the dwellings, to the detriment of the quality of the residential environment of future and existing occupiers and restrict access for the fire service to the detriment of safety contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3, DM8 and DM15 of the Development Management DPD2.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework 2012
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM8 (Residential Standards), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 The loss of the landscaping area to the side of the properties is a regrettable as this provides a more attractive setting for the houses and gives the development overall a less cramped appearance. The proposed main access would be changed to a 1.6m alley with no landscaping which will not be as attractive and may feel a bit intimidating for users at night time in particular.

The design of the house itself matches the rest of the development so should not appear out of context in this respect.

This proposal overall will reduce the overall quality of the development in terms of its sense of place and environment but will not be out of character in terms of the house design itself and will not be seen from the street.

### **Traffic and Transportation**

- 6.2 One parking space is proposed, which is considered acceptable taking into account the location of the site with access to public transport and cycle routes.

### **Environmental Health**

- 6.3 A number of site investigation reports have been provided in relation to the above site. The Desktop Summary recommends that multiple samples were taken across the site, a regime of landborne gas monitoring was to be undertaken and it highly recommended that a geotechnical investigation was carried out due to high levels of infilled and made up ground.

It is unclear from the Factual Report and the Trentside Report submitted if these recommendations were undertaken. Further verification that the recommendations within the desktop study have been implemented shall be dealt with by condition including the list of recommendations contained within the report during the redevelopment of this site **[Officer Comment: The above matters relate to the wider site and it is considered the adequate decontamination of the application site can be achieved by condition if this application is deemed acceptable].**

### **Environment Agency**

- 6.4 Our maps show the site lies in 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 construction of a residential dwelling, classified as 'more vulnerable' in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. To comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific FRA.

If you are satisfied that the application passes these tests and will be safe for its lifetime, we request the following conditions are included if permission is granted:

#### Conditions

1. Ground floor levels shall be provided at minimum level of 3.3mAOD
2. First floor levels shall be provided at a minimum level of 6.2mAOD

#### Reasons

To minimise the impact of flooding upon the building and to provide refuge above the flood level during the extreme flood event.

To assist you in making an informed decision about the flood risk affecting this site, the key points from the FRA are provided in an appendix.

**[Officer Comment: The above conditions can be imposed if the application is deemed acceptable].**

## **Essex Fire Service**

### 6.5 Access

Access for the Fire service purposes has been considered in accordance with the Essex Act 1987-Section 13.

It is considered that there is insufficient access to the frontages of this and the neighbouring dwellings on the plan for fire fighting personnel to effect search and rescue and fight fire, due to the proposed extension reducing the access area to the properties to a single pathway.

Therefore the functional requirement of B5 approved document b part 1 which states:

*“The building shall be designed and constructed so as to provide reasonable facilities to assist firefighters in the protection of life” has not been achieved.*

#### Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of building regulations to ensure the proposal complies with section 13 of Building (Approved Inspectors) Regulations 2010 (as amended)

#### Water Supplies

The architect or applicant is reminded that additional water supplies for fire fighting maybe necessary for this development.

#### Sprinkler Systems

Automatic Water Suppression Systems should be installed.

## **Public Consultation**

### 6.6 A site notice displayed on the 19<sup>th</sup> December 2016 and neighbours notified of proposal. 5 letters of representation have been received stating:

- Parking will be restricted and is already insufficient for households;
- Both developments wrongly assume visitors will not go to the dwellings;
- The only pedestrian access to Mayfair Place is via the access road, which is used for both vehicles and pedestrians, which is already very dangerous;
- Lack of sunlight;
- Overlooking and loss of privacy;
- Noise levels will increase;
- Traffic and parking would need to be managed;
- It is not clear how long the development will take;

- At present each dwelling has two dwellings and 1 parking space is not sufficient [**Officer Comment: The appeal allowed relating to application 11/00507/FUL was considered acceptable with one space per dwelling. This proposal is for a one bedroom property and therefore on balance taking into account the location of the site with access to public transport no objection is raised by the Councils Highway Officer**];
- Emergency vehicles will not be able to access the properties to the rear of the site;
- The foundations are already in for this new building when the other properties were constructed;
- Some 30 vehicles already use the access from Camper Road to the area of this development. The likelihoods of accidents would also increase.

## **7 Relevant Planning History**

- 7.1 2011 – A planning application (11/00507/FUL) to demolish an existing storage building and erect 5, two storey dwellings was refused planning permission. A subsequent appeal was allowed.
- 7.2 2013- Application to vary condition 2 (the development hereby permitted shall be carried out in accordance with the approved plans) allowed on appeal dated 14th March 2012 to request amendment to building footprint. Granted (13/01753/FUL).
- 7.3 2017- Replace plan 151-02-13 2, 151-02-13 P01 with 151-02-13 2A, 151-02-13 P01B to amend parking layout (Variation of conditions 2 and 4 of planning application 13/01753/FUL dated 17/02/14) (retrospective) (16/02061/FUL)

## **8 Recommendation**

### **8.1 Members are recommended to REFUSE PLANNING PERMISSION subject to the following reason:**

- 1 The proposed development by reason of its siting would result in a restricted and confined access to existing dwellings, resulting in a poor quality residential environment. Furthermore, there would be insufficient access to the frontages of this and the neighbouring dwellings to enable fire fighting personnel to carry out an effective search and rescue and fight fire, to the detriment of the safety of occupiers and contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3, DM8 and DM15 of the Development Management DPD2.**

#### **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.**

**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.**