

<b>Reference:</b>	18/01006/OUT
<b>Ward:</b>	Kursaal
<b>Proposal:</b>	Demolish existing storage building (Class B1(c)), erect nine dwellings, form additional parking and alter vehicular access on to Burdett Road (outline) (amended proposal)
<b>Address:</b>	8 Burdett Road, Southend-on-Sea, Essex
<b>Applicant:</b>	Gilson
<b>Agent:</b>	T C Matthew Chartered Architect
<b>Consultation Expiry:</b>	12.07.2018
<b>Expiry Date:</b>	03.08.2018
<b>Case Officer:</b>	Charlotte White
<b>Plan No's:</b>	16090_S_010 Rev. 1, 16090_P_010 Rev.1, 16090_LSP_010 Rev.1, 16090_X_020, 16090_X_010, 16090_P_030 Rev.1, 16090_P_020 Rev.1
<b>Recommendation:</b>	<b>REFUSE OUTLINE PLANNING PERMISSION</b>



# 1 The Proposal

- 1.1 The application seeks outline planning permission to demolish the existing storage building (Class B1 (c)), erect nine self-contained flats and form additional parking together with an alteration to the existing vehicular access on to Burdett Road.
- 1.2 The matters for approval are access, layout and scale. Appearance and landscaping are reserved for future consideration and would need to be approved prior to carrying out any works should outline permission be granted.
- 1.3 The indicative details provided indicate the development parameters on which the application should be determined (i.e. maximum building height, likely unit sizes and level of car parking). Any future reserved matters applications submitted would have to be within these parameters should this outline application be approved.
- 1.4 The site currently contains a number of single storey buildings with an overall height of 4.8m to 6.1m currently used for fisherman proprietors with a yard within. The vehicle access to the site is via Burdett Road.
- 1.5 The proposed dwelling mix constitutes nine 2-bedroom flats. The overall height of the proposed residential development is 9.2m, with a maximum width of some 23.4m and maximum depth of some 17.6m.
- 1.6 The internal floorspace of the 9 x 2 bedroom (3 persons) proposed flats shown are as follows:
- Flat 1- 62sqm
  - Flat 2- 69sqm
  - Flat 3- 68sqm
  - Flat 4- 61sqm
  - Flat 5- 68sqm
  - Flat 6- 61sqm
  - Flat 7- 61sqm
  - Flat 8- 68sqm
  - Flat 9- 61sqm
- 1.7 The indicative drawings illustrate each dwelling would benefit from one parking space. In terms of amenity space, the ground floor units would benefit from private amenity gardens ranging from 26sqm to 42sqm with the upper storeys having private balconies ranging from 6.1sqm to 7.7sqm.
- 1.8 The application is accompanied by a planning statement and flood risk assessment.
- 1.9 The application was referred to Committee by Cllr McMahon and Cllr Dent.
- 1.10 Outline planning permission was recently refused under reference 17/00942/OUT to demolish the existing buildings and to construct 9 dwellings with additional parking and to alter the vehicular access on to Burdett Road for the following reasons:
1. The proposal would result in the loss of land for employment use, the loss

of which has not been sufficiently justified. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy (2007), Policy DM11 of the Development Management Document (2015) which seeks to promote building a strong, competitive economy.

2. The proposal, by reason of the excessive scale, height, layout and depth of building required to accommodate the number of units proposed, would result in a development that would appear cramped and incongruous within the streetscene to the detriment of the character and appearance of the area contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the adopted Design and Townscape Guide (2009).
3. The proposed development, due its scale, height, depth and siting results in an unneighbourly form of development causing an unacceptable sense of enclosure and overbearing relationship that is detrimental to the living conditions of the residents to the north of the site in Beresford Road contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the adopted Design and Townscape Guide (2009).

The main changes proposed compared to the previously refused scheme include:

- 1.11
  - Alteration from 9 dwelling-houses to 9 flats and the revised design reflects this.
  - Revised parking layout and removal of parking from the rear of the site.
  - Updated Planning Statement.

## **2 Site and Surroundings**

- 2.1 The site is located on the western side of Burdett Road and is currently used as industrial storage buildings with a small ancillary retail shop on the site. Surrounding the site are two storey residential properties of traditional design. To the south of the site are commercial premises to the ground floor and residential flats above. To the north of the site are two storey terraced properties.
- 2.2 The site is designated within flood risk zone 3a. The site falls within the Southend Central Area as designated by the Southend Central Area Action Plan. The site is located within the Central Seafront Area designated within the Southend Central Area Action Plan (SCAAP).

## **3 Planning Considerations**

- 3.1 The key considerations are the principle of the development, design and impact on the character of the area, the amenities of neighbouring and proposed residents, highway implications, sustainable construction matters, Flood Risk and Community Infrastructure Levy considerations.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, CP4 and CP8; Development Management Document (2015) Policies DM1, DM3, DM6 and DM8, Southend Central Area Action Plan (2018) Policies DS1, DS4, DS5 and CS1 and the guidance contained within the Design & Townscape Guide (2009)**

- 4.1 The site is located on land that has been previously developed. The core planning principles of the NPPF include:

*“To encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*

- 4.2 The existing site is currently used as light industry for fisherman proprietors and is currently in use. The site is not designated by the Development Management Document for any specific use.

- 4.3 Policy CP1 of the Core Strategy states that permission will not normally granted for development proposals that involve the loss of existing employment land unless it can be clearly demonstrated that the proposals will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.

- 4.4 Part 5 of Policy DM11 of the Development Management Document goes on to state:

*“Outside the Employment Areas (Policy Table 8), proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that:*

- (i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes; or*
- (ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.*

*It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use”.*

- 4.5 Appendix 4 part c of the Development Management Document states:

*“The appraisal will set out an analysis identifying the advantages and limitations of the site or premises in question to accommodate employment uses. For each limitation that is identified, a justification should be provided as to why it could not be overcome having regard to the introduction of alternative employment uses, general investment or improvements, or through competitive rental levels.*

*In addition, the appraisal should include, but is not limited to, the following analysis:*

- 1. The relevant national, regional, local planning and economic policy context;*
- 2. The quality of the buildings/ site;*
- 3. The accessibility of the site and its ability to serve a range of employment uses*

*having regard to private and public transport; and*

*4. Any constraints that will limit the future use of the site or premises for employment uses.*

*Additional marketing and market demand information, reflecting Part A and/ or Part B as set out above, may be used to support the appraisal.*

*Comparison with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises”.*

4.6 Paragraph 22 of the NPPF states that alternative uses should be encouraged on non-viable employment sites and states that:

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.*

4.7 This application is accompanied by a planning statement which states that *‘falling demand and changes in the UK fishing industry undermine the viability of the existing site use...the site currently sustains employment for just four part-time workers...alternative employment use for this site is generally discouraged by the steady relocation and loss of other light industrial and commercial use from the area, the promotion of new leisure-based employment opportunities on the seafront itself, and the need to redevelop or regenerate otherwise blighted large sites in the vicinity.’* The statement also makes reference to other changes of use in the area including No’s 1 and 3 Burdett Road and No.40 Beresford Road.

4.8 In this respect the planning statement submitted also comments that *‘the variegated and makeshift nature of the combined purpose-built and dilapidated traditional elements of the existing building compound the site’s unsuitability for adaption or conversion to alternative use...existing highly specialised areas – which are those containing and connected to a freezer room-occupy some 260sqm of the total existing floor space, which makes the majority of accommodation unsuitable for conversion to any other use. This leaves a combined residual floor area of just some 225sqm from the two more fundamentally robust, traditionally constructed buildings that might be converted to B1(c) use were it not for their obvious state of disrepair and need for refurbishment which spoils them as investment opportunities.*

4.9 Appendix 1 of the planning statement submitted also references the 1988 outline planning permission for 9 flats over 3 storeys and Appendix 5 includes a Chartered Certified Accountant’s Testimony which refers to the declining fishing industry and states that *‘8 Burdett Road is unique and specialised and has been offered for rental and for sale to the local industry...Due to the lack of interest in the property, advice has been sought from Property Agents and senior local business leaders and the conclusion was to develop for domestic accommodation.’*

- 4.10 Firstly in respect of the previous consent on the site (reference 88/0360), since the 1988 determination of that application there has been a number of planning policy changes including the adoption of the Core Strategy in 2007, National Planning Policy Framework 2012, the Development Management Document 2015 and the Southend Central Area Action Plan in 2018. As such this previous consent provides no material justification for the development now proposed.
- 4.11 In relation to part 5 (i) of policy DM11 as stated above the existing building is still in use for general industry purposes, however, further information has been submitted with the application (when compared to the previous application under reference 17/00942/OUT), outlining the main constraints of the site; including its residential location and the specialised nature and poor repair of the buildings. Whilst no evidence in this respect has been submitted it is also stated that the site has been offered for rental and for sale in the local industry but there has been a lack of interest. During the site visit it was apparent that the site is still in use, however, it was noted that the existing buildings are in a poor state of repair and that the buildings contain a large number of fridges/freezers which would not meet the needs of the majority of general industrial purposes. It is also accepted that the fishing industry is changing. The circumstances of the site, including its size, disposition and proximity to residential dwellings would not represent an attractive proposition for alternative industrial or other employment related uses. As such, on balance it is considered that sufficient information has been submitted to demonstrate that it is no longer effective or viable to accommodate the continued use of the site for employment purposes in accordance with part 5(i) of Policy DM11.
- 4.12 In relation to part 5 (ii) of Policy DM11 of the Development Management Document, given that the site is surrounded by residential dwellings and given that the submission indicates that there is no interest from others in the fishing industry to take over the site and given that other B2 and B8 uses by their very nature could result in unneighbourly developments which could cause environmental problems, including harm to adjoining residents in terms of noise and disturbance it is considered that the submission now satisfies part 5 (ii) of Policy DM11.
- 4.13 The existing site provides only 4 part time jobs and the proposed development would provide additional dwellings which would add to the housing stock of the Borough which would benefit the community to a certain extent.
- 4.14 As such it is considered, on balance, that in the specific circumstances of this case the applicant has demonstrated compliance with Policy DM11 of the Development Management Document. It is also noted that the NPPF seeks to avoid the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. As such, given the information provided with this application, on balance it is considered that sufficient evidence has been submitted in this respect and no objection is therefore raised to the principle of the development in this respect. It is considered that the additional information submitted with this application has therefore overcome the previous concerns raised to the principle of the development under reference 17/00942/FUL.

## **Flood Risk**

**National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1 and KP2, Development Management Document (2015) Policies DM6 and Policy DS4 of the SCAAP (2018)**

- 4.15 The site is located within Flood Zone 3a (high probability of flooding). The proposed dwellings constitute a 'more vulnerable' use of the site. The applicant has submitted a Flood Risk Assessment.
- 4.16 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 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."*
- 4.17 Policy DS4 of the SCAAP states that *'development proposals which are or will be within a flood risk zone will...located more vulnerable uses in the area of the proposal least at risk and provide a safe access and egress route away from the flood risk during a design floor event or provide a clear justification as to why these requirements are no practical, viable or appropriate in planning and design terms. Will achieve an appropriate degree of safety over the lifetime of the development.'*
- 4.18 The proposed site falls within the Central Seafront Area designated 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 will 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.
- 4.19 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.
- 4.20 The proposal would provide sustainability benefits by resulting in a more efficient

use of the land. The site is also previously developed land. Parts A and B of the exceptions test of the National Planning Policy Framework are therefore, considered to be satisfied in this instance.

- 4.21 Part C of the exception test set out in in the National Planning Policy Framework, 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.
- 4.22 The Flood Risk Assessment prepared by UK Flood Risk Consultants reference QFRA 662 dated 15/05/2018 has been submitted for consideration.
- 4.23 Unlike the previous application under reference 17/00942/OUT, the Environment Agency has submitted a holding objection to this proposal. In this respect, the Environment Agency states *'We did not object when we saw the previous application (17/00942/OUT) but this was because all residential accommodation was to be provided on the first floor. Ground floor residential accommodation is now proposed, which would flood in a breach and no refuge is provided (other than in stairwells).'*
- 4.24 In respect of Part C of the Exceptions test, the Environment Agency comment that *'the FRA states that finished ground floor levels would be provided at 3.1AOD, which could result in the building flooding internally by 1.5m depth in the 0.5% (1 in 200) annual probability with climate change (breach) flood event and would therefore be unsafe for the occupants. The planning application plans show that there is no higher refuge available within the self-contained ground floor accommodation, or safe access available. Consequently, there may be an unacceptable risk to the health and safety of the occupants in a (residual risk breach) floor event. There is no safe access and egress route from the site, and the SFRA shows that 'extreme hazard' would be expected on the site within one hour of the defences breaching.'*
- 4.25 As such, it is considered that the proposed development fails to satisfy part C of the Exceptions Test as it has not been demonstrated that the development would be safe. The proposal therefore fails the exceptions test. As such the development is unacceptable and contrary to National and Local Planning Policy in this respect and an objection is raised on this basis.

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

**National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3, and DM6, SCAAP (2018) Policy CS1 and the guidance contained within the Design & Townscape Guide (2009)**

- 4.26 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 Document. The Design and Townscape Guide also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*



- 4.27 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”*.
- 4.28 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.29 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”*.
- 4.30 With regard to infill sites, Paragraph 202 of the Design and Townscape Guide states that *“Where it [infill development] 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.”*
- 4.31 The proposal is to build a three storey building providing 9 self-contained flats fronting Burdett Road. The matters subject to consideration under this outline application include scale, layout and access. Appearance and landscaping have been reserved for future consideration.
- 4.32 **Scale**  
The existing site contains single storey buildings with an overall height of 4.8m to 6.1m. The height of the proposed residential development is 9.2m. Whilst it is noted there are two storeys residential properties within the streetscene and to the north of the site, the proposed development has three floors and has not referenced the adjoining properties. It is considered the overall scale of the development would result in an excessively dominant building due to the excessive height and significant width that would result in material detriment to the character and appearance of the area. Further concern is raised to the overall bulk, massing and coverage of the site resulting in a cramped form of development to the detriment of the character and appearance of the surrounding area.
- 4.33 **Access**  
A new vehicle crossover is proposed to the north of the site 4.8m in width, providing access to a parking area to the northern side of the site. There is an existing vehicle crossover at the site and as such there is no objection to the proposed vehicle crossover in design terms. However, concern is raised in respect of the parking area proposed in design terms as it would result in a large unrelieved expanse of hardsurfacing hard against the site boundary to the material

detriment of the character and appearance of the development and the surrounding area.

#### 4.34 Layout

The layout of the proposed development will include the provision of nine self-contained flats; three per floor. The existing houses surrounding the site largely constitute terraced late Victorian houses with small front gardens with dwarf walls. The existing buildings on the site are located up to the front of the site. The layout of the block of flats proposed is awkward with splayed frontages that have an unduly contrived and awkward relationship with the streetscene. The bin store proposed is located on the public footpath, resulting in a prominent ancillary structure which would have a material adverse impact on the character and appearance of the area. The layout of the parking proposed is also poor and results in a large area of unrelieved hardsurfacing that would be highly visible from the streetscene, to the detriment of the character and appearance of the area. As such the layout of the proposed development is considered unacceptable and contrary to planning policy.

#### 4.35 Appearance

Whilst appearance has been reserved as a future consideration, an indicative design has been shown for a block of 9 flats. The proposed development is considered to be of a poor design quality. The design is bulky and boxy with awkward junctions by virtue of the splayed front elevation and inconsistent and confused fenestration. The indicative development is therefore of an unacceptable appearance which fails to respond in a balanced and commensurate way to the physical constraints of the site and which fails to reference the surrounding character. It would therefore detract from the character and appearance of the area. The indicative appearance would not therefore be considered acceptable with any reserved matters submission. There is a need for any development to relate more contextually to the area in terms of its appearance and form.

#### 4.36 Landscaping

Whilst landscaping has been reserved for future consideration, there is a concern relating to the lack of landscaping for the proposed development. The proposed ground floor plan indicates only two small areas of soft landscaping will be provided; one at the front and one at the back of the site. As such the site would be significantly dominated by hard landscaping and the relationship between the extensive built form to the soft landscaping is poor and indicative that the site is being overdeveloped. The proposal is therefore unacceptable in this respect and contrary to National and Local Planning Policy in this respect.

4.37 As such it is considered that by virtue of the size and scale, bulk and mass of the development and its poor layout, including lack of opportunities for frontage soft landscaping, the development would result in an incongruous and prominent development, is tantamount to the overdevelopment of the site and would result in material harm to the character and appearance of the area contrary to National and Local Planning and the proposal is therefore recommended for refusal on this basis.

### **Living Conditions for Future Occupiers**

**National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and DM8 and the guidance contained within the Design & Townscape Guide (2009)**

- 4.38 Delivering high quality homes is one of the Government's requirements according to the NPPF. Since 1<sup>st</sup> of October 2015 Policy DM8 of the Development Management Document has been superseded by the National Housing Standards regarding the minimum internal floorspace standards.
- 4.39 Paragraph 17 of the National Planning Policy Framework states that "*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*". The technical housing standards require:
- Minimum property size for 2 bedroom (3 bed space) dwellings over 1 storey shall be 61sq.m.
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
  - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
  - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.
- 4.40 Weight should also be given to the content of Policy DM8 which states the following standards in addition to the national standards.
- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
  - Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
  - Storage: Suitable, safe cycle storage with convenient access to the street frontage.
  - Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.41 The internal floor area for each flat, as shown on the indicative plans exceeds 61sqm. The bedrooms proposed are of acceptable sizes and their areas and minimum widths are in accordance with the technical standards. However, although the standards are notionally met, the awkward, irregularly shaped floor plans result in poorly shaped bedrooms, limiting their usability which weighs against the development.
- 4.42 In terms of amenity space, the ground floor units will be provided with a private rear amenity garden ranging from 26sqm to 42sqm and the upper level flats will be provided with private balconies to the front ranging from 6.1sqm to 7.7sqm. It is therefore considered that the flats would be provided with adequate outside amenity space in this instance and is policy compliant in this respect.
- 4.43 9 cycle parking spaces and a communal refuse store will be provided within the car park area which would provide adequate amenities for the future occupiers and no objection is raised on this basis.
- 4.44 Policy DM3 (ii) of the Development management Document from the 1<sup>st</sup> of October 2015 has been substituted by building regulation M4 (2). These requirements include 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. In this respect, the Planning Statement states *'the revised proposed building is designed to accommodate...Building Regulations Part M4 (2) Accessible and Adaptable dwellings'*. The submitted plans indicate that lifts will be provided and subject to a condition in this respect no objection is raised on this basis.
- 4.45 The contrived layout creates rooms which, although notionally meeting the space standards are in several instances awkwardly shaped, limiting their convenience of use and the resultant degree of amenity for users which is not a positive aspect of the proposal. However as an outline application the proposal is found to be acceptable on balance in this regard.

### **Impact on Neighbouring Properties**

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

- 4.46 Policy DM1 of the Development Management Document 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."*

- 4.47 The plans submitted are indicative only and detailed consideration of the impact of the final development on the residential amenity of the adjoining residents would be undertaken at reserved matters stage.
- 4.48 However, the indicative plans submitted indicate that the only upper storey side windows will serve bathrooms and will be obscure glazed, which can be secured via planning condition. The rear windows proposed would overlook a commercial site to the rear and car park beyond and the front windows and balconies would overlook the public realm and as such it is considered that the development would result in no material harm to the residential amenity of the adjoining residents in terms of overlooking or loss of privacy, subject to conditions.
- 4.49 In terms of dominance and an overbearing impact, the proposed development will be sited some 12.7m away from the boundary abutting properties to the north in Beresford Road. Given this degree of separation it is considered that the development would not result in any material harm to the occupiers of the adjoining dwellings in Beresford Road in terms of undue dominance, an overbearing impact or material loss of light and outlook.
- 4.50 To the south of the site the proposed development will be set on the boundary, however, the development would be located some 26m from the rear elevation of No.28 Eastern Esplanade and as such the development would not result in any material harm to the residents of No.28 in terms of dominance, an overbearing impact or loss of light and outlook.
- 4.51 To the west of the site are commercial premises and it is not considered the proposed development will result in any harm in this respect including by prejudicing its continued commercial operation. To the east of the site are two storey residential properties. Taking into account the siting of the development at the junction of Burdett Road and Burnaby Road it is not considered that the proposal will be overbearing nor result in a sense of enclosure in this respect. However, concern is raised that the first and second floor habitable windows proposed to the rear, given their proximity to the rear boundary may prejudice any redevelopment potential to the adjoining site to the west which further weighs against the development.
- 4.52 Taking into account the existing commercial use of the site with associated comings and goings and associated deliveries, it is considered that the proposed development is likely to result in less noise and disturbance than the existing situation. No objection is therefore raised on this basis.
- 4.53 Whilst the final appearance will be confirmed at reserved matter stage, it is considered that the indicative proposal would not result in any material harm to the residential amenity of the adjoining residents, subject to conditions, in terms of dominance, an overbearing impact, material loss of light and outlook, a material sense of enclosure or overlooking and loss of privacy. The proposal is therefore policy compliant in this respect and no objection is raised on this basis.

#### **Traffic and Transport Issues**

**National Planning Policy Framework (2012), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015)**

**Policies DM1, DM3 and DM15, SCAAP (2018) Policy DS5 and the Design and Townscape Guide (2009).**

- 4.54 Policy DM15 of the Development Management Document requires all development to provide adequate parking.
- 4.55 The adopted parking standards required the provision of 1 space per dwelling for 2+ bedroom flats. The proposal seeks to provide 9 parking spaces; 1 per flat and is therefore policy complaint in this respect. 9 covered and secure cycle spaces are also proposed, which is policy complaint. It is therefore considered that adequate vehicle and cycle parking will be provided on the site. The Highway Team has raised no objection in this respect.
- 4.56 The proposal includes the relocation of the vehicle crossover. The Highway Team has commented that the proposal would not have a detrimental impact upon the highway. As such it is considered that the development would result in no adverse harm to highway safety.
- 4.57 The proposal is therefore policy complaint in this respect and no objection is raised in terms of traffic, transport or highway considerations.

**Use of on Site Renewable Energy Resources**

**National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2 and the Design and Townscape Guide (2009).**

- 4.58 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 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 emerging 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”*.
- 4.59 No information has been submitted regarding 10% renewable energy provision. Furthermore, no details relative to Sustainable Urban Drainage System have been provided. However, these details could be secured by condition.
- 4.60 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 can be dealt with by condition.

**Community Infrastructure Levy**

## CIL Charging Schedule 2015

- 4.61 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. As the application is in outline, the level of contribution cannot be clarified with certainty at this stage, however it would be appropriate to use an informative to highlight that the proposed development would be CIL liable.

## 5 Conclusion

- 5.1 Given the information provided with this application, there is no objection to the principle of redeveloping this site for residential purposes. However, the Environment Agency have objected to the proposed development and it has not been demonstrated how the development would be safe in terms of flood risk and the development therefore fails part C of the Exceptions Test, contrary to National and Local Planning Policy. By virtue of the design, layout, scale, mass and bulk of the development, coupled with the ratio of built form to soft landscaped setting within the scheme, the proposal will also result in a cramped overdevelopment of the site that would result in material harm to the character and appearance of the area. It is also noted that whilst the room sizes would notionally comply with the technical standards, a number of these would be contrived and awkward in shape. Therefore whilst the proposal has overcome some of the concerns previously raised under reference 17/00942/OUT, the application is recommended for refusal for these reasons.
- 5.2 The matters of appearance and landscaping have been reserved and therefore the development that is shown on the submitted plans must be considered as an indicative proposal only in these regards.

## 6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): including chapter 4 (Promoting sustainable transport), chapter 6 (Delivering a wide choice of high quality homes) and chapter 7 (Requiring good design)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and retail Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), SM7 (Dwelling Mix), DM8 (Residential Standards) DM10 (Employment Sectors), DM11 (Employment Areas) and DM15 (Sustainable Transport Management)
- 6.4 Design & Townscape Guide (2009)
- 6.5 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous

Retail centre), DS4 (Flood Risk Management and Sustainable Drainage), DS5 (Transport, Access and Public Realm) and CS1 (Central Seafront Policy Area Development Principles).

6.6 CIL Charging Schedule (2015)

6.7 National Technical Housing Standards (2015)

## **7 Representation Summary**

### **7.1 Environment Agency**

The Environment Agency has inspected the application as submitted and are raising a holding objection to the application on flood risk grounds.

The Environment Agency didn't object to the previous application (17/00942/OUT) but this was because all residential accommodation was to be provided on the first floor. Ground floor residential accommodation is now proposed, which would flood in a breach and no refuge is provided (other than in stairwells).

#### **Flood Risk**

The Environment Agency 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 the existing storage building (Class B1(c) and erection of nine dwellings, 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).

The Environment Agency have not seen evidence that the Local Planning Authority has applied the Sequential and Exception Tests. This is your responsibility and it is recommended you consider them before the applicants review their FRA.

#### **Flood Risk Assessment**

The Environment Agency have reviewed the submitted flood risk assessment (FRA), prepared by UK Flood Risk Consultants, referenced QFRA 662 and dated 15/05/2018 and do not consider it to comply with the requirements of the PPG. In particular:

- The FRA refers to the Level I Strategic Flood Risk Assessment (SFRA) for the area and this SFRA and the Level II SFRA outputs show that the site could experience breach flood depths of up to 1.5 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 3.5 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2110). You may wish to ask the applicant to provide a site specific breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.
- The FRA states that finished ground floor levels would be provided at 3.1mAOD, which could result in the building flooding internally by 1.5m



depth in the 0.5% (1 in 200) annual probability with climate change (breach) flood event and would therefore be unsafe for the occupants. The planning application plans show that there is no higher refuge available within the self-contained ground floor accommodation, or safe access available.

Consequently, there may be an unacceptable risk to the health and safety of the occupants in a (residual risk breach) flood event.

- The FRA proposes that internal flooding will be minimised by incorporating flood resilient and resistant measures into the design of the building, and proposed a flood plan whereby site users will seek refuge on upper floors which would be able the breach flood level. It should be noted that it is intended to provide this refuge within communal stairwells and hallways and that refuge is not directly available from within the dwellings themselves.
- There is no safe access and egress route from the site, and the SFRA shows that 'extreme hazard' would be expected on the site within one hour of the defences breaching. Table 12.2 in FD2320 Flood Risk Assessment Guidance for New Development estimates that in the event of a breach the flood hazard would be danger for all including the emergency services.

#### Overcoming the Objection

The applicant can overcome the holding objection by:

- Raising finished floor levels to prevent internal flooding of the development and damage to people and property above the 0.5% (1 in 200) annual probability with climate change flood level, including a 300millimetre freeboard. 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).
- Demonstrating that a safe route of access and egress can be achieved in accordance with FD2320, up to the 0.5% (1 in 200) annual probability with climate change flood event. Or if the applicant demonstrates that a safe route of access/egress is not possible this element could be mitigated by an acceptable emergency flood plan submitted to you that deals with matters of evacuation and refuge to demonstrate that people will not be exposed to flood hazards.
- The site is currently protected by flood defences with an effective crest level of approximately 5.62mAOD so is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event, and the defences will continue to offer protection over the lifetime of the development, provided that the TE2100 policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- Due to the vulnerable nature of more vulnerable development the Environment Agency have concerns as to whether it is appropriate or safe for the proposed residential development to flood internally. Consequently if the floor levels are not raised then the Environment Agency will only remove the objection if the local council inform us that they accept the flood risk to the future occupants and consider the proposed floor levels and risk of internal flooding to be acceptable and safe for the proposed more

vulnerable use, as the proposed mitigation measures are sufficient to ensure the safety of the occupants and development.

The submission of an amended FRA in itself will not lead the Environment Agency to remove the holding objection.

#### Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. The Environment Agency has not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

### 7.2 **Transport & Highways**

1 for 1 car parking has been provided for each dwelling which is policy compliant, 9 secure cycle spaces have been provided. The site is in a sustainable location with regard to public transport with good links in close proximity. It is not considered that the proposal will have a detrimental impact upon the public highway therefore no highway objections are raised.

### 7.3 **Waste Team**

It is noted the provision of the bin store on the edge of the proposed development site and the provision of 4 x 1,100 euro-bins in line with developer guidance. However, it is unclear if the householders are expected to use the bin store entrance onto the public highway as an access point to take their waste and recycling into the bin store. It is extremely important that access into the bin store is controlled in order to prevent the bin store being used by other persons to dispose of waste so it is recommended that an access restriction to limit access to residential properties on the development site only is included.

It is noted that there is a small additional area in the proposed bin store for a potential inclusion of receptacles for other materials (e.g. food waste). The waste team would always encourage larger bin storage areas and it is queried if the proposed landscape design was a design requirement as it is suggested the bin store area is made larger by removing the small area of landscape planting immediately adjacent if possible.

### 7.4 **Public Consultation**

43 neighbours were notified and a site notice was displayed. No representations have been received.

## 8 **Relevant Planning History**

- 8.1 17/00952/OUT - Demolish existing storage building (Class B1(c)), erect nine dwellings, form additional parking and alter vehicular access on to Burdett Road (Outline) – planning permission refused 18<sup>th</sup> August 2017

## 9 **Recommendation**

- 9.1 **Members are recommended to REFUSE OUTLINE PLANNING PERMISSION**

for the following reasons:

- 01 The development, by virtue of the absence of a safe refuge above predicted flood levels for the ground floor self-contained flats proposed would fail to provide a safe development which complies with Part C of the Exceptions Test as outlined in the National Planning Policy Framework (2012). This is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP1 and KP2 of the Core Strategy (2007), Policy DM6 of the Development Management Document (2015) and Policy DS4 of the Southend Central Area Action Plan (2018).
- 02 The proposal, by reason of its excessive size, scale, bulk and mass, its poor layout and lack of opportunities for soft landscaping within and in front of the development would result in an incongruous, cramped and overly prominent development within the streetscene to the detriment of the character and appearance of the site and wider area. The proposal is considered to represent an overdevelopment of the site. It is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the adopted Design and Townscape Guide (2009).

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.

#### **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.