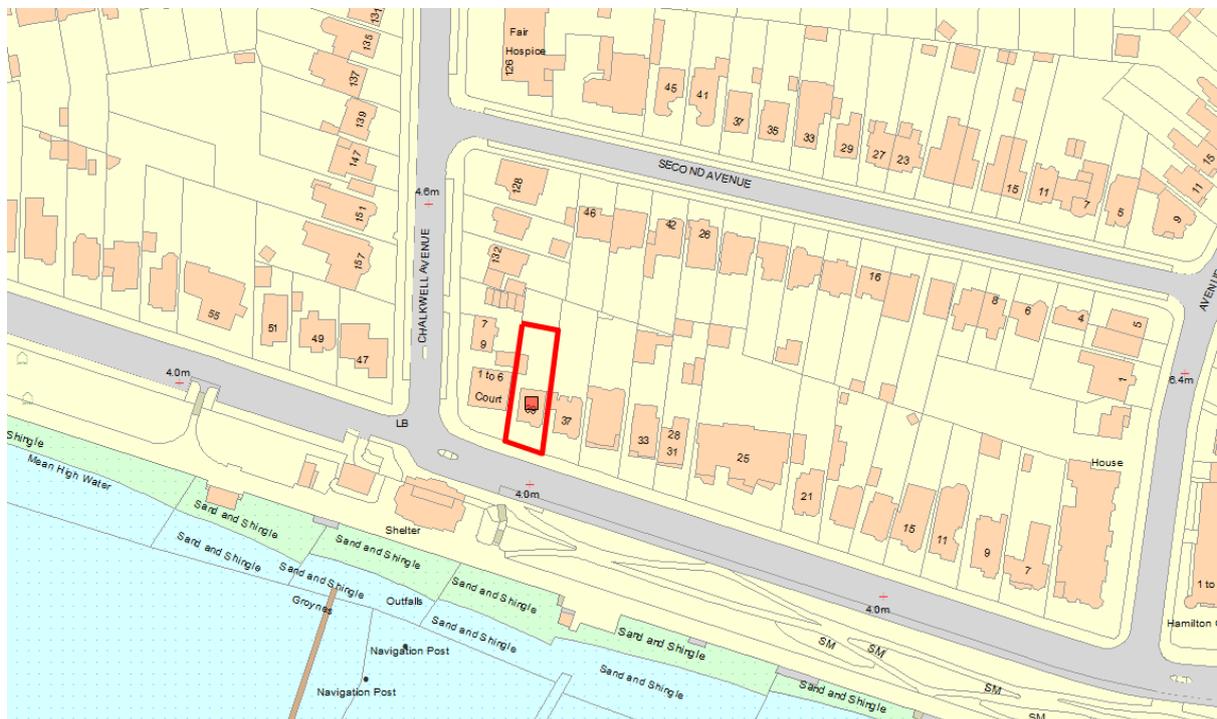


Reference:	19/02312/FUL	
Ward:	Chalkwell	
Proposal:	Demolish dwellinghouse, erect detached three storey building to form two self-contained flats and layout parking to rear, amenity areas and landscaping (Amended Proposal)	
Address:	39 Chalkwell Esplanade, Westcliff-on-Sea, Essex SS0 8JQ	
Applicant:	Barron Homes South East Ltd	
Agent:	Metson Architect Ltd	
Consultation Expiry:	24 th January 2020	
Expiry Date:	12 th February 2020	
Case Officer:	Abbie Greenwood	
Plan Nos:	1830-X-00, 1830-X-01-A, 1830-X-02, 1830-X-03, 1830-X-04, 1830-TP-201-A, 1830-TP-202, 1830-TP-210, 1830-TP-211, 1830-TP-212, Flood Risk Assessment by Evans reference 2237/RE/02-19/01 Revision A, Sequential Test and Exceptions Test by Southwest Environmental Ltd reference S19-522-Revision 2 , Daylight and Sunlight Study by Right of Light Consulting dated 16.12.19, Planning, Design and Access Statement	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The site is located on the north side of Chalkwell Esplanade and has an outlook onto the estuary. It currently contains a two storey detached dwelling with forecourt parking for 3 cars to the front and a garden to the rear. The building has a half hipped roof and large balcony to the front and feature hanging bay to the side. The building is currently vacant.
- 1.2 The property is the western most property in a group of similar detached houses on this part of the esplanade. Although each of the houses is a different design they have a number of common features including distinctive forward facing hipped or half hipped roofs, wide front balconies and a consistency of building width, spacing and scale (2-3 storeys). As such they form a cohesive group within the wider frontage. The houses are set on an angled but fairly consistent building line which follows the line of the street. Most have parking to the front or side and gardens to the rear.
- 1.3 To the west of the application site is a small block of 1970s style flats which have a box like form and flat roof with roof terrace. These are an anomaly in the streetscene but their relatively modest scale and corner position provides some justification for the change in form. To the west of this group of 5 houses is Chapmans Sands flats. This is a larger flatted block of part 3.5 part 4.5 storeys formed by an amalgamation of sites and as such appears much wider and bulkier than the prevailing streetscene and rather out of place in this more domestic context. The finer grain of detached houses with hipped fronts continues on the other side of this block.
- 1.4 The surrounding area is generally characterised by residential development comprising mainly large houses. The site is located in Flood Zone 3a and within Development Management Seafront Character Zone 4.

2 The Proposal

- 2.1 The proposal seeks to demolish the existing building and erect a three storey detached flatted block on the site with parking to the rear. The proposed development has a hipped roof form with an eaves height of 7.8m and a ridge height of 11.3m reducing to 9.4m at the rear. The proposal is 9.35m wide and has a depth of 15.8m at ground level, 15.8m at first floor and 14.6m at second floor.
- 2.2 Two three bed duplex flats are proposed. The flats sizes are as follows:

Flat	Size	Bed 1	Bed 2	Bed 3	Terrace
<i>Flat 1</i>					
G + 01 3b6p	179.0 sqm	46.6sqm w=5.65m	20.4 sqm w=4.1m	15.9 sqm w=3m	17.5 sqm + 35 sqm at ground
<i>Flat 2</i>					
01 + 02 3b5p	183 sqm	20.4sqm w=4.1m	12.4 sqm w=3m	8.7 sqm w=2.15m	18.5 sqm

- 2.3 Each unit has 2 parking spaces to the rear accessed by a drive to the east side of the building. A cycle and refuse store is also shown to the rear. The entrance to the flats is

located to the east elevation.

2.4 The proposed materials are Titanium Grey Brick and zinc cladding, a slate and glass roof with integrated sun shading and grey metal windows, timber doors and glazed balustrades with privacy screens to the west side.

2.5 This application is an amended proposal following the refusal of application reference 19/00933/FUL which sought to demolish the dwellinghouse and erect a detached four storey building to form four self-contained flats and layout parking to rear. That application was refused for the following reasons:

01 The proposed development is located part within a high risk Flood Risk Zone (Flood Zone 3a) and insufficient information has been submitted in terms of the sequential and exceptions test to demonstrate that there are not more suitable sites for this level of residential development elsewhere in the area and that the development will be safe for future occupiers over its lifetime. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), and Policies KP1 and KP2 of the Core Strategy (2007).

02 The proposed development, by reason of its scale, siting, massing, form and design, is considered to conflict with the grain of the area and would be incongruous and overly dominant in the streetscene and harmful to the character and appearance of the site and wider location. This is unacceptable and 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 Southend Design and Townscape Guide (2009).

03 The proposal has failed to demonstrate that it would not lead to a material loss of light to the first floor west elevation habitable room windows at 37 Chalkwell Esplanade. The development, by reason of its scale and siting, is also considered to have an overbearing relationship resulting a material sense of enclosure for residents of 37 Chalkwell Esplanade and 1-6 Viceroy Court to the detriment of the amenities of these occupiers. The proposal would also result in material loss of privacy for the south eastern flats within 1-6 Viceroy Court in relation to the habitable room windows, balcony and roof terrace at its south east corner. This is unacceptable and 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 Southend Design and Townscape Guide (2009).

2.6 In order to address these reasons for refusal the following amendments have been made:

- The number of units has been reduced from 4 x 2 bed units to 2 x 3 bed duplex units
- The proposal has been reduced by 1 storey (height reduced from 13.9m to 11.3m)
- The proposal has been reduced in depth from 20.1m to 15.8m at ground floor level and from 17.9 to 15.8 at first floor level and from 17m to 14.6m at second floor level.
- The internal layout has been revised to provide a duplex unit to the ground floor
- The floorspace reduced by 29% from 595 sqm to 422 sqm
- The form of the roof has changed from gabled to hipped
- The number of parking spaces per unit has been increased from 1 parking space

- per flat to 2 parking spaces per flat
- Further information to demonstrate the impact on neighbouring properties has been provided.

3 Relevant Planning History

- 3.1 19/00933/FUL - demolish the dwellinghouse and erect a detached four storey building to form four self-contained flats and layout parking to rear – refused.

4 Representation Summary

Public Consultation

- 4.1 16 neighbouring properties were consulted and a site notice displayed. 3 representations have been received raising the following issues:

- The boundary is incorrectly shown on 1 plan – part of the land is not owned by the applicant.
- Impact on structural integrity of Viceroy Court
- Footprint and height are too large
- The proposal is too close to Viceroy Court
- Impact on privacy of Viceroy Court from proposed balconies
- The driveway should be positioned on the west side to provide a gap to Viceroy Court
- Impact on light to kitchens and bathrooms in Viceroy Court
- Restricted space makes construction and maintenance difficult
- The building line is forward of Viceroy Court
- Impact on local character
- Impact on residential amenity
- Design unacceptable.

[Officer Comment: These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

London Southend Airport

- 4.2 No objections.

Environment Agency

- 4.3 No objections.

Highways

- 4.4 No objections subject to conditions.

Environmental Health

- 4.5 No objections subject to conditions.

4.6 The proposal was called to committee by Councillor Folkard.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development), DM3 (The Efficient and effective use of land), DM6 (Southend Seafont), DM7(Dwelling Provision), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

5.6 National Technical Housing Standards (2015)

6 Planning Considerations

6.1 The main considerations for this application are the principle of the development including flood risk, the design including the impact of the proposed works on the character and appearance of the area, the standard of accommodation for future occupiers, any impact on neighbours, the traffic and transportation implications, sustainability, CIL and whether the proposal has overcome the previous reasons for refusal. The basis of the previous decision carries significant weight in the determination of this amended proposal as it was assessed against materially the same policy context and site circumstances.

7 Appraisal

Principle of Development

7.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes.

Flood Risk

7.2 The proposal is situated in flood zone 3a. The proposed housing use is classed as being a 'more vulnerable' use by the Environment Agency. The previous application was refused because *'insufficient information has been submitted in terms of the sequential and exceptions test to demonstrate that there are not more suitable sites for this level of residential development elsewhere in the area and that the development will be safe for future occupiers over its lifetime.'*

- 7.3 In relation to sites within flood risk areas policy KP1 of the Core strategy states: *'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 which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.'*
- 7.4 Policy KP2 states that new development should be sustainably located including applying the sequential test approach to *'avoid or appropriately mitigate flood risk.'*
- 7.5 Policy DM6 of the Development Management Document states *'2. All development proposals within the Seafront Area must take account of flood risk and coastal change. This will include, where appropriate, developing, agreeing and then incorporating:*
- *Appropriate flood defence and engineering solutions; and/or*
 - *Flood resistant and resilient design that provides safe refuge to occupants in the event of a flood and is easily restored after the event.*
 - *Design solutions which do not prevent or restrict future maintenance and improvement of flood defences and the Borough Council's ability to manage coastal change'.*
- 7.6 An updated Flood Risk Assessment (FRA) has been submitted with the application. This concludes that:
- During an extreme event the external depth of floodwater against the walls of the building would be between 2.5m and 2.8m.
 - It is not practical to raise the ground floor level up so that it is above the design flood level as this would have design implications and impact on neighbouring properties.
 - The proposal will instead adopt a water entry system across the site which will include the following flood resilience measures at ground floor - concrete floor and walls with damp proof membrane, high level circuit box and boiler. This will enable relatively easy refurbishment following a flooding event.
 - The ground floor flat has been changed to a duplex unit so that all units have access to a safe refuge at first floor in the event of a flood. The first floor is set at 6.775m AOD and will therefore be above the flood level at all times.
 - The occupants of the building will be advised to sign up to the Environment Agency Floodline. It is recommended that occupants evacuate at an early stage during a flood event due to the risk of rapid inundation. It is noted however, that evacuation routes may be affected by flooding.
 - Signs would be placed in the car park to remind residents to move cars to higher ground in the event of a flood.
 - The site has a low to high risk of surface water flooding. The flood depth would be between 0.3m and 0.9m during the worst case scenario. This can be mitigated by the flood resilience measures noted above.

7.7 The Environment Agency (EA) have reviewed the Flood Risk Assessment and conclude:

- The site is confirmed within flood zone 3a which is defined as having a high probability of flooding.
- The ground floor could flood by up to 2m if the flood defences were not raised in line with climate change projections.
- A safe refuge is provided for both dwellings at first floor above the 0.1% (1 in 1000) breach flood level for both dwellings, however, it is noted that the lower flat has all its sleeping accommodation at ground level. It would be preferable for the sleeping accommodation to be at the upper level.
- Given that refuge is identified as a fall back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water.
- The site is currently protected by flood defences which, according to the Council's SFRA (Strategic Flood Risk Assessment) (2018), offer a 1 in 1000 year standard of protection. The site is not, therefore, considered to be 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.
- According to the 2018 SFRA, the site could experience breach flood depths of up to 2.5 - 3 metres during the 0.5% (1 in 200) and 0.1% (1 in 1000) annual probability breach flood events, including climate change (up to the year 2116). Therefore assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have been proposed at 4m AOD. This is below the 0.5% annual probability breach flood level including climate change and therefore at risk of flooding in this event.
- Finished first floor levels have been proposed at 6.775m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level including climate change.
- Flood resilience/resistance measures have been proposed.
- A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access / with internal flooding in the event of a breach flood.
- If the defences are able to be raised in line with the TE2100 Plan, the proposed development will be protected from flooding during the 1 in 1000 annual probability event in line with climate change. This project will be subject to funding.

7.8 In order to mitigate the impact of the flood risk the FRA states that the development has been designed to be resilient to flooding. This includes the use of the first floor living area as a safe refuge if residents are caught in a flood. The Environment Agency have pointed out that the sleeping accommodation, which can be particularly vulnerable remains at ground floor level which is not ideal however, they have confirmed that they do not raise an objection to the proposal overall. This proposed arrangement is therefore considered to be reasonable in this location.

- 7.9 As the site falls within Flood Zone 3a and is for residential development which is classed as 'more vulnerable' the requirement for the sequential and exceptions test is triggered. This requires the proposal to demonstrate that it could not be reasonably sited elsewhere outside of a flood zone (Sequential Test) and that the sustainability benefits of the site outweigh the flood risks and that the development would be safe (Exceptions Test).

The Sequential Test

- 7.10 The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. A Sequential Test has been carried out for the site by consulting local agents and planning studies to see if there are any comparable sites in the area which are of a similar size, location, value and have a waterfront setting. The report confirms that no reasonable alternatives were suggested by local agents and that the local planning documents did not highlight any comparable development sites. The only sites available did not have a similar seafront setting or were unavailable. The Sequential Test is therefore passed.

The Exceptions Test

- 7.11 For the Exception Test to be passed it should be demonstrated that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 7.12 Both elements of the Exception Test should be satisfied for development to be allocated or permitted. The Exceptions Test highlights that the proposal would be an investment on a brownfield site, it would provide construction jobs, it would be a much more environmentally friendly building than the existing building and it would be a more efficient use of land. These benefits are considered to be very general however they are not disputed in this case and the Exceptions Test is passed.

- 7.13 Overall it is noted that no objection has been raised by the Environment Agency to the flood risk assessment carried out by Evans reference 2237/RE/02-19/01 Revision A and the Sequential Test and Exceptions Test by Southwest Environmental Ltd reference S19-522-Revision 2. This demonstrates the development will provide an acceptable level of safety for occupants for the lifetime of the development and it is considered that the proposal has demonstrated through the Sequential and Exceptions Tests and by mitigating for flood risk in the design, that the proposal is suitable for residential development. The previous reason for refusal in relation to flood risk has therefore been overcome and the development is considered to be acceptable and policy compliant in this regard.

- 7.14 In relation to other issues, and consistent with the basis of the previously determined application, there is no objection in principle to residential development of the proposed nature in this area generally subject to the detailed considerations set out below.

Design and Impact on the Character of the Area

- 7.15 Paragraph 124 of the NPPF states *‘the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this.’*
- 7.16 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy states *“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 by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.”*
- 7.17 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.18 The Development Management Document makes specific reference to the changing character of the seafront and has sought to ensure that the special character of this area, which has been eroded in places, is better respected. In relation to new development on the seafront it states:

‘3.5 Along Southend’s stretch of seafront there are several distinctive ‘character zones’ and each has a different built form and function. Each character zone has unique pressures and opportunities that need to be managed appropriately to promote new development as well as maintain, protect and enhance the form and function which made them originally distinctive. As a consequence it will not be appropriate to apply a single policy approach to the whole Seafront area. Policy Table 1 sets out the development principles that will guide development in each distinctive character zone and ensure that the unique characteristics of each is maintained and enhanced.

3.9 Southend benefits greatly from a south facing aspect over the Thames Estuary at the point where it widens to meet the English Channel. However this also creates significant pressure on land in the premium positions along the seafront. Increasingly the desire for more flats and retirement properties in this location has led to taller and bulkier developments which have impacted on the distinctive character.

3.11 The main concern for the character of the Seafront is the gradual degradation of that which makes it unique. The unsympathetic increase in scale in some locations and loss of historic grain has had a detrimental effect on the integrity and character of the Seafront. As a consequence there is a need to adopt design principles that influence form, appearance and massing so that they are appropriate to the differing characters along the Seafront. Where appropriate, design codes will also be developed for the Seafront Character Zones referred to in Table 1 below.’

7.19 This is reflected in Policy DM6 which states:

'3. Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.

6. All development within the Seafront Area must accord with the development principles set out in Policy Table 1.'

7.20 The application site falls within Zone 4 of Policy Table 1. The Development Principles for this zone include:

'(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.

(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.

(vii) The low rise height of existing buildings should also be maintained in future development. Development will only be allowed where it is appropriate to context and where it adds to the overall quality of the area.'

7.21 The previous proposal was to demolish the existing property and erect a 4 storey block of 4 flats with a gabled roof. That proposal was refused because the scale, siting, massing, form and design were considered to conflict with the grain of the area such that the proposal would be incongruous and overly dominant in the streetscene and harmful to the character and appearance of the site and wider location. In order to address this the following amendments have been made:

- The proposal has been reduced by 1 storey (height reduced from 13.9m to 11.3m)
- The proposal has been reduced in depth from 20.1m to 15.8m at ground floor level and from 17.9 to 15.8 at first floor level and from 17m to 14.6m at second floor level.
- The floorspace reduced by 29% from 595 sqm to 422 sqm
- The number of units has been reduced from 4 x 2 bed units to 2 x 3 bed duplex units
- The form of the roof has changed from a gabled to hipped roof

7.22 The existing building is a well detailed hipped roof dwelling which forms part of a wider group of properties all of which are a similar scale, spacing, alignment and form and which have a pitched roof with a distinctive forward facing roof slope (hipped or half hipped). These buildings have little heritage value but nevertheless form a pleasant and cohesive frontage which positively contributes to the townscape in this section of the seafront. There are 2 notable exceptions to this group within the street block; the 1970s style block at the junction with Chalkwell Avenue to the west and Chapman Sands a short distance to the east. Both these have had a negative impact on the cohesiveness of the streetscene – the 1970s style block in terms of its boxy design and form and the modern block in terms of its scale, grain and mass. This type of erosion has also occurred in other parts of the seafront to the detriment of local character.

The Seafront Policy in the Development Management Document, DM6, is seeking to protect the remaining unique character of the seafront and prevent further erosion of its finer grain.

- 7.23 The previous appraisal raised no objection to the loss of the existing building in this location but it was considered that the height and depth of the proposal flats were excessive in relation to the neighbouring development and the gabled form of the building was materially out of character with the prevailing streetscene. The change from 4 storeys to 3 storeys and the reduced depth are therefore welcomed and overall the proposal is considered to be much more representative of the scale and grain of the area. The change from a gabled to a hipped roof form mitigates the scale of the amended proposal and it fits acceptably with the streetscene in this regard. The front elevation otherwise is relatively unchanged with full width glazing and balconies to all floors but this is similar to other more recent properties in the street block such as number 33 so would sit comfortably in this context.
- 7.24 In terms of the other elevations the amended proposal has re-sited the main entrance from the rear to the side elevation so it can be seen from the street and has introduced a feature clad projecting element above the entrance doors. This will add interest to this elevation and also help to highlight and provide cover to the entrance.
- 7.25 To the rear the scale of the roof has been reduced to a double hipped arrangement to lessen its impact on neighbours. This is less successful in design terms than a full hip however this elevation does not have public impact and can be considered acceptable in this instance.
- 7.26 In relation to the layout of the site it is noted that the amended proposal has significantly increased the setback from the pavement over the previously refused scheme. This will also help to reduce its prominence in the streetscene and has improved the visual and physical relationship with Viceroy Court to the west. The proposal is still sited forward of Viceroy Court but it is set back from number 37 and as such provides a reasonable transition between the different building lines of these properties. The amended siting is therefore considered acceptable in this context.
- 7.27 As with the previously refused scheme, the vehicular access has been switched from the west side to the east side. This has been done to reduce the impact of the proposal on habitable rooms on the side elevation of number 37. (This issue is considered in detail in a subsequent section). Whilst this will cause a more uneven spacing in the streetscene it is noted that the streetscene is not uniform in this regard. The siting of the building is therefore considered to be acceptable.
- 7.28 To the rear the reduction in depth of the building has enabled a landscape buffer to be provided to the rear of the building to improve the outlook of the rear rooms. This is an improvement over the previously refused proposal.
- 7.29 The proposed materials are grey bricks, grey cladding, grey roof and grey windows. The choice of materials for a new development is an important consideration and can help it to integrate more successfully into an existing streetscene. In this location Chalkwell Avenue has a mix of materials. There are some grey finishes in the more modern schemes in particular but where these occur they are tempered with other materials such as render and red brick and this helps them to integrate better with the neighbouring development and provides for a more cohesive streetscene.

There is a concern that the proposed all grey palette will be rather heavy in this context and this will extenuate the mass of the building in the streetscene. The introduction of another colour to the material palette would therefore be preferable. This can be achieved with a condition requiring the materials to be agreed.

- 7.30 Overall therefore it is considered that the amended proposal has satisfactorily addressed the previous reason for refusal in relation to design and is now acceptable and policy compliant in this regard.

Standard of accommodation for future occupiers

7.31 Floor space standards

All new homes are required to meet the National Technical Housing Standards in terms of floorspace. The required size for a two storey, 3 bed 6 person household is 102sqm and a two storey 3 bed 5 person household is 93 sqm. The minimum standards for double bedrooms are:

- Master - min area 11.5 sqm, min width 2.75m
- Other doubles – min area 11.5 sqm, min width 2.55m
- Singles - min area 7.5 sqm, min width 2.15m

- 7.32 The internal floorspace of the proposed flats are noted above. Both flats are well in excess of the minimum standards in terms of overall floorspace. The proposal also meets the bedroom sizes and widths. This aspect of the proposal is therefore considered to be acceptable.

Quality of Living Space

- 7.33 All habitable rooms are required to have good outlook and daylight. The proposal is acceptable and policy compliant in this regard.

Building Regulations M4(2) – Accessible and Adaptable Dwellings

- 7.34 Development Management Policy DM8 requires all new homes to be accessible and meet the standards set out in Building Regulations M4(2) Accessible and Adaptable Dwellings. This ensures that all new homes are flexible enough meet the needs of all generations.

- 7.35 No information regarding M4(2) has been provided. It is noted however that the flats are generous in size and served by a lift. It is considered that this requirement could be achieved by way of a condition. The proposal is therefore acceptable and policy compliant in this regard subject to condition requiring full compliance with M4(2).

Amenity Provision

- 7.36 Both flats are 3 bedroom units. There is no communal garden area but both units have access to a good sized balcony or terrace and the ground floor flat also has a useable outside area to the front. This is overlooked by the street but any loss of privacy will be mitigated by the generous landscaping buffer proposed here. It is also noted that the site is directly opposite the beach where a range of amenities is present.

The amenity provision is therefore considered to be adequate for the type of accommodation in this location. The proposal is therefore acceptable and policy compliant in this regard.

- 7.37 Overall therefore, it is considered that the amended proposal would provide an acceptable standard of accommodation for future occupiers.

Traffic and Transportation

- 7.38 Development Management Policy DM15 requires that all new flats outside the central area provide 1 off street car parking space per dwelling.
- 7.39 2 parking spaces for each unit are proposed to the rear of the site. These are accessed by a single width driveway to the east of the proposal which links to an existing crossover. A cycle store for is also proposed to the rear of the building.
- 7.40 The site is located within convenient walking distance of Chalkwell Station and opposite the seafront cycle route. There is also a bus stop nearby on the Esplanade although services are not as frequent as other locations within the Borough.
- 7.41 The proposal for 2 spaces per property is considered to be acceptable in this location. It exceeds the minimum parking standard of one space per unit but is not excessive to a degree which would materially harm the Borough's sustainable transport objectives. The frequency of vehicles using the existing crossover is likely to be greater than for the existing property; however, the increase in movements is likely to be minimal. The Council's Highways Officer has not raised any objections to the scheme. The proposal is acceptable and policy compliant in the above regards.

Refuse and Cycle Storage

- 7.42 A cycle store and a bin store are proposed to the rear of the site although no details have been provided. Given the scale of development this is considered to be a reasonable location and details can be controlled by condition.

Impact on Residential Amenity

- 7.43 Paragraph 343 of the Design and Townscape Guide 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.*" 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.*"

Light, Outlook and Privacy

Impact on neighbour to the east 37 Chalkwell Esplanade

- 7.44 The previous proposal was refused because it failed to demonstrate that it would not lead to a material loss of light to the first floor west elevation habitable room windows at 37 Chalkwell Esplanade.

The scale and siting of the proposal was also considered to have an overbearing relationship resulting a material and unacceptable sense of enclosure for residents of 37 Chalkwell Esplanade.

7.45 In order to address this reason for refusal the following amendments have been made to the design:

- The front building line has been set back by around 2m.
- The proposal has been reduced by 1 storey (height reduced from 13.9m to 11.3m)
- The proposal has been reduced in depth from 20.1m to 15.8m at ground floor level and from 17.9 to 15.8 at first floor level and from 17m to 14.6m at second floor level.
- The roof form has changed from a gable form to a hip.
- Scaled diagrams have been provided to demonstrate a reduced impact on neighbouring properties.
- A daylight and sunlight study has also been provided.

7.46 The property to the east, 37 Chalkwell Esplanade is a detached house with a garage to the west side providing separation between the house and the site boundary. Number 37 has its main entrance and two first floor bay windows to the west side facing the site. It has only a bathroom window to the rear at first floor so it is considered that the windows at first floor level in the flank facing the application site provide sole light and outlook to bedrooms.

7.47 The height of the previously refused scheme combined with its significant depth was considered to result in an overbearing outlook for this neighbour and a material loss of light. The amended scheme has reduced both the height and depth of the proposal to improve this relationship. Diagrams submitted with the application show that a notional 45 degree guideline taken from the base of the neighbouring bay would no longer be breached by the proposal and that the amended proposal will significantly improve the outlook and sky component for this neighbour. The Council's Environmental Health Officer has reviewed the Daylight and Sunlight Assessment and agrees with the conclusion that there would be minimal impact on the light to habitable rooms of neighbouring properties. It is therefore considered that the amended proposal has overcome these concerns in relation to light and outlook.

7.48 In relation to privacy the proposal has 1 secondary window to the living space at first floor and a high level window to the living space at second floor. As these do not provide the main outlook for the living spaces it would be possible to control overlooking by a condition requiring obscure glazing to be used on the windows in this elevation to ensure that the neighbour was not overlooked.

7.49 Overall it is considered that the amended proposal has satisfactorily addressed the concerns relating to the impact on the amenities of the occupiers of 37 Chalkwell Esplanade and the proposal is now acceptable and policy compliant in this regard.

Impact on neighbour to the west Viceroy Court

7.50 The previous proposal was refused because the scale and forward siting of the building was also considered to have an overbearing relationship resulting a material sense of enclosure for residents of 1-6 Viceroy Court to the detriment of the amenities of these occupiers. It was also considered that the proposal would result in material loss of privacy for the south eastern flats within 1-6 Viceroy Court in relation to the habitable room windows, balcony and roof terrace at its south east corner overlooking this neighbour.

7.51 In order to address this reason for refusal the following amendments have been made to the design:

- The projection in front of Viceroy Court has been reduced by 2m from 3.8m to 1.8m at ground floor, and reduced by 2m at first floor to reduce the projection to only 500mm (with a balcony projection of 2.3m) and the amended proposal is level with Viceroy Court at 2nd floor (with a balcony projection of 2.5m)
- The proposal has been reduced by 1 storey (height reduced from 13.9m to 11.3m) and the terrace which ran around the south and west side of the proposed building has been removed
- The proposal overall has been reduced in depth from 20.1m to 15.8m at ground floor level and from 17.9m to 15.8m at first floor level and from 17m to 14.6m at second floor level.
- The roof form has changed from a gable form to a hip.
- Glazed privacy screens have been added to the west side of the front balconies. The side balcony has been removed.
- Further information to demonstrate impact on neighbouring properties has been provided.

7.52 Viceroy Court is comprised of two blocks; 1-6 to the front of the site facing the Esplanade and 7-9 to the rear. The front block is situated 900mm from the western boundary of the site. This block has 6 obscured glazed secondary windows to its flank elevation which relate to kitchens and bathrooms and wide living room windows at ground and first floor and a corner balcony at second floor adjacent to the site. It also has an amenity terrace on the roof. The rear block is set 8m diagonally from the north west corner of the proposal. This block has its second bedrooms and kitchens facing the site.

7.53 The amended proposal would still project past Viceroy Court to the front but this projection would be reduced to 1.8m at ground floor, 500mm at first floor and no projection at second floor. The balconies of the amended proposal would project an additional 2.3m and 2.5m at first and second floor respectively. Overall this is a significant improvement over the previously refused scheme which projected a further 2m at all levels. It is noted that the remaining projection and in particular the balconies, would be apparent from the front windows of Viceroy Court however the units here have very wide windows facing south and on balance and bearing in mind that balconies are a characteristic which generally informs the type and levels of amenity enjoyment by residents along the Esplanade, it is considered that the amended proposal would not have a materially harmful impact on outlook or light to these south facing rooms of Viceroy Court. It is noted that the view to the south east from the south east 2nd floor balcony will be affected by the development but this balcony will maintain an unobstructed southern outlook and there is an additional amenity space at roof level which will be relatively unaffected in this regard.

On balance therefore it is considered that the proposal has overcome the previous reason for refusal in relation to outlook for the residents of Viceroy Court and the proposal is now acceptable and policy compliant in this regard.

- 7.54 In respect of privacy the removal of the formerly proposed west side balcony and the inclusion of privacy screens has addressed the previous concerns related to overlook from the proposed balconies. In relation to windows it is noted that the proposal has 8 windows to the west side. These are all secondary or bathroom windows. They are positioned to face onto the flank elevation of Viceroy Court which itself only has obscure glazed windows facing the site. On balance it is considered that, provided the proposed windows on the west elevation are all obscured, and the details of the privacy screens agreed, the proposal would not give rise to overlooking of the neighbouring property or site. This can be achieved by condition.
- 7.55 In relation to the rear block assessment of the previous application noted a marginal impact on 1 room in this block but on balance this was considered to be acceptable. Slightly greater separation is achieved to this rear block and the scale of the amended proposal has significantly reduced. It is therefore considered that the impact on this block would be reduced. This relationship therefore remains acceptable.

Impact on neighbour to the north 132 Chalkwell Avenue

- 7.56 The rear elevation of the proposal is 12.35m from the rear amenity area of 132 Chalkwell Avenue. The neighbouring building itself is set off to the north west of the proposal site. The proposal has all its bedroom windows facing north onto the end of the neighbours garden, however, 132 Chalkwell Avenue has an 'L' shaped garden. The closest part of this space to the application site is the shorter section of the 'L' which is located further south than the main house. The proposed rear elevation is in fact 29m from the rear elevation of this property and the most private part of the garden against the house. On balance it is considered that this arrangement will not cause harm to the amenities of this neighbour.

Noise and Disturbance

- 7.57 The proposal will increase the potential number of people living on the site and 4 car parking spaces are proposed to the rear of the building adjacent to neighbouring gardens.
- 7.58 Consistent with the basis of the previous decision, involving a greater number of flats than now proposed, it is considered that potential noise and disturbance from this modest increase in residents and small number of cars will be within acceptable limits and will not cause material harm on the amenities of neighbouring properties. The proposal is therefore policy compliant in this regard.
- 7.59 Overall therefore it is considered that the proposal has overcome the previous reason for refusal in relation to impact on the amenities of neighbouring properties. The proposal has an acceptable impact on the amenities of residents of 37 Chalkwell Esplanade and on balance, it also has an acceptable impact on the amenities of residents of Viceroy Court. The impact on the amenities of all other neighbours is also acceptable, The proposal is therefore acceptable and policy compliant in its impact on neighbour amenity.

Sustainable Development

- 7.60 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).*” Policy DM2 of the Development Management Document states that “*to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions*”. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.61 No details have been provided on the provision of on-site renewables except for a commitment to PVs in the Design Statement. It is considered that, for this scale of development, the requirement for renewable energy technology and limits on water usage can be controlled with conditions. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to these conditions.

Landscaping

- 7.62 Little information has been provided in relation to landscaping however, adequate space for soft landscaping is shown on the site plan and details of this and the surfacing and boundaries can be satisfactorily controlled by condition. The proposal is therefore considered to be acceptable and policy compliant in this regard subject to this condition.

Drainage

- 7.63 Greater amount of building footprint and hardstanding is proposed. No information on sustainable drainage has been submitted, however, for a scheme of this size, this issue can be controlled by condition. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

Charging Schedule (2015).

- 7.64 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The proposed development includes a gross internal area of 376.6 sqm, which may equate to a CIL charge of approximately £ 29027.17 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the ‘in-use building’ test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance on balance. The proposal would, on balance, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking, highways or ecology impacts caused by the proposed development. This amended application has overcome the 3 reasons for refusal in relation to the previous application reference 19/00933/FUL. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of the date of this decision

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 The development hereby permitted shall be carried out in accordance with the following approved plans 1830-X-00, 1830-X-01-A, 1830-X-02, 1830-X-03, 1830-X-04, 1830-TP-201-A, 1830-TP-202, 1830-TP-210, 1830-TP-211, 1830-TP-212

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until product details of the materials to be used on all the external elevations, including walls, roof, fascia and soffits, windows and doors, balconies, boundary walls and fences, driveway including parking area have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The first floor and second floor windows in the east and west elevations of the approved development shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut up to a height of not less than 1.7m above internal finished floor level before the occupation of the dwellings hereby approved and shall be retained as such in perpetuity. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

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

05 Prior to the occupation of the approved development, details of the privacy screens to be installed to the balconies hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.

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

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. details of any means of enclosure for all boundaries of the site including any gates, walls or boundary fencing;
- ii. hard surfacing materials;
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- iv. details of measures to enhance biodiversity within the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority

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

07 No drainage infrastructure associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority.

The approved scheme shall be implemented, in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter in perpetuity.

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

08 The four car parking spaces and the associated vehicular access for the spaces to access the public highway, shown on approved plan 1830-TP-201-A shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained for the parking of vehicles and the accessing of the car parking spaces in connection with the dwellings hereby approved. The site shall not be occupied until the redundant crossover has been reinstated as footway.

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

09 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).

11 The development hereby approved shall be carried out in a manner to ensure the dwellings complies with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the residential units hereby approved provide a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

12 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

13 The development hereby approved shall be carried out in full accordance with the mitigation and resilience measures identified in Section 6 of the Flood Risk Assessment by Evans reference 2237/RE/02-19/01 Revision A before the dwellings are occupied.

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment National Planning Policy Framework and policy KP2 of Core Strategy

Informatives

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

If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal

(www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)

or the Council's website (www.southend.gov.uk/cil).

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

03 The applicant is advised that the reinstatement of the redundant crossover is required to be carried out by the Council's term contractor. Please contact martinwarren@southend.gov.uk to arrange this.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.