

Reference:	17/01495/FULM	
Ward:	Shoeburyness	
Proposal:	Erect part two storey, part three storey building comprising 14 self-contained flats, layout parking and erect fence, railings and electric gate	
Address:	Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea, Essex	
Applicant:	Mr Henry Hyde and Mr Alex Thorpe	
Agent:	Architectural Design Associates	
Consultation Expiry:	04.01.2018	
Expiry Date:	26.02.2018	
Case Officer:	Charlotte White	
Plan Nos:	1474.08a, 1474.10, 1474.15, 1474.09a, 1474.12,	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

1.1 Planning permission is sought to demolish the existing brick enclosures, garages and industrial structures on the site and to erect a part 2-storey, part 3-storey building incorporating 14 self-contained flats. Vehicular access would be gained from Shoebury Avenue with a total of 14 spaces provided; 5 of which are directly accessed from Shoebury Avenue with the remaining provided within the main site, behind a set of electric gates. Communal amenity space is provided to the rear and sides of the site with refuse stores within the parking area proposed and a 10 bay cycle rack provided.

1.2 The details of the scheme are summarised as follows:

Units	2 x 1 bedroom flats (44 sq. m) 12 x 2 bedroom flats (including one duplex) (ranging from 61 sq.m to 70 sq.m with the duplex 75 sq.m).
Parking	14 parking spaces
Amenity space	277 sq.m communal amenity space
Height (max)	3 storey (12.1m max)
Width (max)	30m
Depth (max)	21.9m

1.3 The floors will include:

- Ground floor- 1 x 1-bed flat, 4x 2-bed flats and the ground floor of the duplex flat.
- First floor- 1 x 1-bed flat, 4x 2-bed flats and the first floor of the duplex flat.
- Second floor- 3x 2-bed flats.

1.4 The proposed amenity space serving the flats would be located at ground level to the north, east and west of the building amounting to 277 sq.m.

1.5 The building would be located behind electronic gates and constitutes a back-land development, located to the rear of properties in Shoebury Avenue, Friars Avenue and Wakering Avenue

1.6 The site is currently being used as a commercial coal yard. There are existing garages, walled and fenced enclosures, open storage, containers and other structure on the site.

1.7 The current application is accompanied by a design and access statement, planning statement, geo-environmental site investigation report, photographic survey plan and photographs.

2 Site and Surroundings

- 2.1 The site is located in a backland position, to the rear of dwellings in Shoebury Avenue, Friars Avenue and Wakering Avenue. The site is currently being used as a working coal yard with a number of buildings and structures on the site, including brick and fence enclosures, garages and containers. There is also open storage on the site.
- 2.2 To the immediate south there are two-storey terraced houses that back onto the site. Further south, on the southern side of Shoebury Avenue there are dwellinghouses and commercial units; many of which appear unoccupied. To the immediate west of the site is the Archway Bungalow, Shoebury Avenue, which is a single dwelling in a backland position. To the immediate north of the site are mainly terraced two storey dwellings in Friars Avenue, which back on to the site. To the immediate east of the site are two storey, mainly semi-detached houses in Wakering Avenue that back on to the site.
- 2.3 The wider area is generally residential in character, with commercial uses to the southern side of Shoebury Avenue.
- 2.4 The site is not located within an area with any specific planning allocation. It is not specifically allocated for employment purposes within the proposals map.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, developer contributions and CIL.

4 Appraisal

Principle of development

National Planning Policy Framework; Core Strategy policies KP1, KP2, CP1, CP4, CP8; Development Management Document Policies DM1, DM3, DM7, DM8, DM10, DM11, DM14 and DM15 and the Design and Townscape Guide SPD1 (2009)

Loss of Employment and Principle of Residential Development

- 4.1 Paragraph 22 of the National Planning Policy Framework (NPPF) (2012) states *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...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.* Whilst this site is not specifically allocated for employment purposes, it has a commercial, employment use and as such this paragraph of the NPPF is considered relevant.

- 4.2 Core strategy Policy KP1 seeks to promote the role of Shoeburyness as a place to live and work; to secure an additional 1500 jobs and provide for 1400 additional dwellings. Policy KP2 of the Core Strategy requires all new development to make the best use of previously developed land; to ensure sites and buildings are put to best use.
- 4.3 Policy CP1 of the Core Strategy states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal 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 Development Management Document (2007) Policy DM11 states outside the employment areas, 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 it will no longer be effective or viable to accommodate the continued use of the site for employment purposes or 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 of mix of uses will give greater potential benefits to the community and environment than continued employment use.
- 4.5 Part C of appendix 4 of the Development Management Document sets out the information to be provided as part of an appraisal to demonstrate the site is no longer viable for employment purposes which includes an analysis of the site identifying the advantages and limitations of the site to accommodate employment uses; for each limitation identified, justification should be provided as to why it cannot be overcome having regard to the introduction of alternative employment uses, general investment or improvements or through competitive rental levels. Marketing and market demand information may be used to support the appraisal. Comparisons with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises.
- 4.6 The application is accompanied by a planning statement which includes an appraisal of the employment site, stating that the demand for coal has been decreasing, to the point that the business is no longer viable. The owner is nearing retirement and is the only person running the business apart from occasional assistance from his son, so no employees will be affected by the closure of the business. There will be demonstrable improvements to the local environment as a result of the cessation of the use; including from noise, disturbance and dust. The Planning Statement goes on to state that the site is limited for alternative uses by virtue of its close proximity to residential properties and a lack of buildings and facilities on the site. The only use that could operate on the site as existing is limited to open storage which will cause noise and disturbance. Therefore the site is not practical or viable for alternative employment use. There are designated employment areas in close proximity of the site. Finally the planning statement provides links to other commercial sites and accommodation to buy or rent in close proximity to the site.

- 4.7 The information submitted within the planning statement to justify the loss of the employment site is limited; however, it does identify the key constraint of the site; which is its location, backing on to a number of residential dwellings. The links provided clearly demonstrate there are other employment sites available to buy and rent within Shoeburyness and it was also noted during the case officer site visit that there are commercial units to the south of the site, some of which appear disused; which are allocated for employment purposes on the proposals map. It is also recognised that the existing use is unneighbourly and has potential to result in noise and disturbance to the adjoining residents and its loss would have environmental benefits. The redevelopment of the site would also result in the removal of contaminated land which is an environmental benefit.
- 4.8 As such, in this instance, taking into account the supporting evidence, the location of the site, which is bounded by residential properties, the amenities of which could potentially be affected by the continued commercial use of the site, and other commercial properties being available in the area and the environmental benefits that would result from the redevelopment of the site, no objection is raised, in principle to the loss of the employment use on the site and its use for residential purposes as additional residential development in the area is supported in principle by policy CP8 of the Core Strategy.

Backland Development

- 4.9 The site is located within a residential area and constitutes previously developed land. Amongst other policies to support sustainable development, the NPPF requires to boost the supply of housing by delivering a wide choice of high quality homes.
- 4.10 Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 4.11 Policy DM3 of the emerging Development Management DPD promotes *“the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*
- 4.12 Policy DM3 (2) requires that all development on land that constitutes backland and infill development will be resisted where the proposals will:
- “(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
 - (ii) Conflict with the character and grain of the local area; or*
 - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
 - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*

- 4.13 Paragraph 193 of the Design and Townscape Guide (2009) states that *“Backland sites are defined to be landlocked areas between existing development, usually with a single and often narrow access onto an existing street. They encompass areas such as disused garage courts, vacant sites and other odd shaped areas left over between housing blocks which may offer an opportunity for redevelopment. Where acceptable in principle, such development can take advantage of access to local facilities and infrastructure, provide natural surveillance and generally lift an area which may be susceptible to crime and disorder.”*
- 4.14 Paragraph 194 of the Design and Townscape Guide (2009) states that *“whether a backland site is suitable for development will be decided on a site by site basis.”*
- 4.15 Paragraph 196 of the Design and Townscape Guide (2009) states *“...the site itself must be of a sufficient size and shape to accommodate practical internal space, usable amenity space and sufficient off street parking for the new occupants. Squeezing too much development into a small or awkward site will compromise the quality of life for the occupiers and the surrounding residents, and may be considered overdevelopment.”*
- 4.16 This site is considered to constitute a backland development site: it is a landlocked site, surrounded by residential development on 4 sides with no street frontage (with the exception of the garage block). In this regard, given the residential nature of the immediate surrounding area and given that there is an existing backland bungalow to the immediate west of the site, the principle of developing the backland site for residential purposes is acceptable in principle, subject to other material considerations, including design, residential amenity and parking considerations; which are considered below.

Dwelling Mix

- 4.17 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. The Council seeks to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below.

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	14%	86%	0%	0%

- 4.18 The development would result in 2 x 1-bed units and 12x 2-bed units and therefore fails to provide an adequate mix of dwellings that would meet the housing needs of the Borough. There is no justification and reasoning as to why a more appropriate mix of dwelling sizes could not be provided on the site.

The development is therefore contrary to Policy DM7 of the Development Management Document and is contrary to the NPPF which states that planning should deliver a wide choice of high quality homes, widen opportunities for home ownership and create suitable, inclusive and mixed communities (paragraph 50).

Design and Impact on the Character of the Area

The National Planning Policy Framework; Core Strategy policies KP2 and CP4; Development Management Document policies DM1 and DM3 and the Design and Townscape Guide.

- 4.19 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64 and Core Strategy Policies KP2, CP4 and CP8.
- 4.20 One of the core planning principles of the NPPF is 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.*” Paragraph 56 of the NPPF states; “*the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” Paragraph 64 of the NPPF states; “*that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*”
- 4.21 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.22 Policy DM3 states that “*The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.*” Moreover, policy DM1 states that 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*”.
- 4.23 The area immediately surrounding the site is residential in nature, with mainly terraced and semi-detached dwellings backing on to the site.
- 4.24 In terms of scale, the proposed building would be up to three-storeys high with roof over, with a maximum height of some 12.1m. The surrounding dwellings are two-storey dwellings, with some dwellings having benefitted from rooms in the roof; with roof lights and dormers. Whilst no streetscene elevations or sections have been provided this proposal includes three storeys with a fairly large roof in addition. The scale, bulk and mass of the development is exacerbated by the detailed design of the building.

As such, it is considered that the scale of the development is unacceptable and would be out of character with the surrounding area and if approved would result in a development that would appear unsympathetic and incongruous in the area. An objection is therefore raised on this basis to the size, scale, bulk and mass of the development hereby proposed.

- 4.25 In terms of the design and appearance, the proposed building is of limited architectural merit. The building is 'top-heavy' with a large roofscape. Whilst the building has some articulation with gables, the proposal includes large expanses of roofscape, some expanses of blank walls and some awkward roof connections, particularly on the western elevation. The development includes large expanses of red brick with render only on the ground floor, which is out of keeping with the surrounding development which largely consists of render and yellow-brown facing brickwork. Whilst the information submitted with this application indicates that these materials have been chosen to provide a contrast, it is considered that this contrast is at odds with the surrounding area, and that the proposal would be a contrived form of development that would result in material detrimental harm to the character and appearance of the area. The design is wholly out of keeping with the surrounding development.
- 4.26 Whilst the development is located in a backland position, the development would be highly visible across the back gardens of dwellings in Waking Avenue and across the proposed access and parking area, when viewed from Shoebury Avenue.
- 4.27 The proposed entrance gate into the site and railings would not be in-keeping with the area. Whilst there is an existing gate to the front of the site, it is low-key and not unusual for commercial premises. However, the proposed electric gates and railings to the front of the site would be an unusual feature in the immediate area, with the surrounding area characterised by dwarf walls to the front boundaries.
- 4.28 The 5 parking spaces to the front of the site would result in a large expanse of open hardsurfacing which is also of a poor design. There would be limited opportunity for soft landscaping to the front of the site, given the extent of this parking area and the main access into the site. Whilst the existing garages are of limited design merit, this does not justify the negative impact the large expanse of open hard surfacing hereby proposed would have on the streetscene in Shoebury Avenue. The refuse stores, given their location would also be prominent. Whilst limited details of these facilities have been provided to date, concern is raised that these facilities could also result in material harm to the character and appearance of the area.
- 4.29 In terms of landscaping, whilst the information submitted with the application states that this proposal involves a greater opportunity for soft landscaping than exists at present, and requests a condition is attached to any grant of consent requiring a more detailed scheme to be submitted; as discussed above, given the extent of the parking and access hereby proposed, there would be limited opportunity to provide soft landscaping within the immediate streetscene; with landscaping provided further into the site.

- 4.30 As such, whilst it is noted that the existing site and use is of a poor quality design and character, this does not justify the poor design hereby proposed. The proposed development is contrived and constitutes the overdevelopment of the site, with the 3-storey flats proposed being of an unacceptable size and scale that would be out of keeping with the mainly 2-storey scale of the adjoining dwellings. The development is bulky with a large roof mass and includes unacceptable design detailing including large expanses of roofscape, some expanses of blank walls, awkward roof connects and incongruous materials. The development also includes some unacceptable ancillary features including incongruous electronic gates, large expanses of hard standings to the front of the site (parking and access areas) and prominent refuse stores with limited opportunity for soft landscaping to the site's frontage.
- 4.31 The development is therefore of an unacceptable design that is out of keeping with and would result in material detrimental harm to the character and appearance of the area, contrary to the National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the guidance contained with the Design and Townscape Guide (2009).

Impact on Residential Amenity.

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1 and DM3 and Design and Townscape Guide.

- 4.32 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.33 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):
- 4.34 *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*
- 4.35 Paragraph 195 of the Design and Townscape Guide (2009) states *“Where backland development is acceptable in principle, one of the key considerations in the design process must be protecting the privacy of adjoining residents. This means that new backland development should not give rise to any overlooking (or realistically perceived overlooking) of neighbouring properties or their private gardens.”*

- 4.36 In terms of overlooking, the proposed development is located within close proximity of the boundaries of the site and is surrounded by residential development, with the site backing onto a number of residential gardens. Looking at each elevation in isolation:
- The northern, rear elevation of the proposed flatted development is located only approximately 2.8m from the rear boundary, with the rear elevation located a minimum of some 13.8m from the rear elevations of the dwellings in Friars Avenue. The rear windows include one lounge window at ground floor level with the remaining rear windows serving bedrooms.
 - The eastern flank elevation would be located between 2m and 7.6m from the tapering eastern boundary. The dwellings to the east in Wakering Avenue have fairly long gardens and the development would be located a minimum of approximately 28.6m from the rear elevations of the dwellings backing onto the site in Wakering Avenue. The eastern windows proposed serve as the only window to bedrooms, kitchen windows and secondary lounge windows.
 - The southern, front elevation includes windows located only 2m from the southern boundary and a minimum of some 14m from the rear elevations of the dwellings backing on to the site in Shoebury Avenue. These windows include lounge and bedroom windows
 - To the western, flank elevation the proposed windows would be located a minimum of approximately 3.4m from the western boundary and a minimum of some 7m from the building at Archway bungalow to the west. These windows serve bedrooms and lounges.
- 4.37 As such, given the scale of the development and its proximity to adjoining dwellings and their private residential gardens, and given that these proposed windows serve a number of main habitable rooms, including bedrooms and living rooms, it is considered that the proposed development would result in material adverse harm to the residential amenity of the adjoining residents to the north, east, south and west of the site in terms of overlooking and loss of privacy.
- 4.38 In terms of dominance, an overbearing impact and loss of light and outlook, it is firstly noted that no shadow survey has been submitted to support this application. Given the overall three storey scale of the development with an additional bulky roof, and the close proximity of the building (as discussed above) to both the private residential amenity areas and the rear elevations of the adjoining dwellings to the north, east, south and west, it is considered that the development would result in material adverse harm to the living conditions of the occupiers of the surrounding development in terms of dominance, an overbearing impact, sense of enclosure and loss of light.
- 4.39 Whilst the existing use is not compatible with the surrounding residential use and is likely to result in noise and disturbance to the adjoining residents and the proposed residential use of the site is more in-keeping with the surrounding residential use, this does not justify the design hereby proposed which would result in material harm to the residential amenity of the adjoining residents as outlined above.

4.40 It is also noted that the Environmental Health Officer (EHO) has commented that no noise impact assessment has been submitted. The EHO has commented that vehicles associated with the development could access the site 24 hours a day, with the electric gates having the potential to result in noise in this respect. A noise assessment would be needed whereby predicted noise levels associated with vehicle movements should be assessed, along with noise associated with the car park, including from the electric gates, car doors slamming, etc. and mitigation may be needed in this respect. This could be dealt with by condition if the scheme were found acceptable in other regards.

4.41 As such, by virtue of the size and scale of the development and its close proximity to adjoining dwellings and their private residential gardens and by virtue of the location of main habitable room windows within the development, the development would result in material adverse harm to the residential amenity of the adjoining residents in terms of dominance, an overbearing impact, sense of enclosure, loss of light and overlooking and loss of privacy. The development is therefore unacceptable and contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009).

Standard of Accommodation:

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide.

4.42 Paragraph 17 of the NPPF 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*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

- Minimum property size for residential units shall be as follow:
 - 1 bedroom (2 bed spaces) 50sqm
 - 2 bedroom (3 bed spaces) 61sqm
 - 2 bedroom (4 bed spaces) 70 sq. m
 - 2 bedroom (3 bed spaces over 2 storeys) 70 sq.m
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² 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.

4.43 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- 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.

4.44 Given the size of the second bedrooms proposed, the two bedroom flats are considered to be 2 bed, 3 person flats. The one bed units are considered to constitute 1 bed 2 person flats. Some of the flats proposed do not fully meet the requirements of the technical housing standards: The one-bedroom flat proposed is 6 sq.m below the minimum size requirement, the area of the main bedrooms in flats 2, 6, 8, 11 and 14 are slightly below the minimum requirement and the built-in-storage is below the minimum requirements of the housing standards, with flats 5, 6, 10, 11 and 14 having no dedicated, built in, storage.

4.45 Whilst it is noted that further built-in storage could be included, if required, it is considered that given the overall deficiencies in the size of the one-bedroom flats hereby proposed that the development would fail to provide adequate living conditions for the future occupiers of the development. This deficiency in the size of the one-bedroom units also highlights that the proposal constitutes the overdevelopment of the site.

4.46 All habitable rooms will be provided with windows to provide light, outlook and ventilation.

4.47 The redevelopment of the site would result in the removal of contaminated land which is an environmental benefit. In this respect, Environmental Health have commented that the Geo-environmental contaminated land report submitted confirms that contamination is present on the site and that remediation and validation is required to ensure it is suitable for the proposed end used. As such, to ensure that the development provides adequate living conditions for any future occupiers of the site, conditions would need to be attached to any grant of consent requiring remediation works.

Subject to such conditions no objection is raised on this basis.

- 4.48 With regard to the external amenity space, 277 sqm communal space is provided, which equates to approximately 20 sq.m per flat. The amenity space is provided to the rear and sides of the building and is narrow in places, reducing its usability. However, the amenity space provided would be completely overlooked, mainly north facing and given its depth in places would not be particularly usable by the occupants. The contrived nature of the amenity space hereby proposed serves to demonstrate that this proposal is seeking to overdevelop the site. Whilst the applicant refers to the relatively close public amenities, such as East Beach, in this instance given the contrived nature of the amenity area proposed and its limited usability an objection is raised on this basis and nearby public amenities do not justify this harm identified.
- 4.49 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.
- 4.50 The applicant has failed to confirm that the development would be built to comply with Building Regulations Standards M4(2). Furthermore, the development constitutes a major development and no information has been submitted to indicate that 10% of the dwellings would be built to be wheelchair accessible (M4(3)) standard, contrary to Policy DM8 of the Development Management Policy. A review of the submission suggests that the scheme would fail to achieve either of these standards. An objection is therefore raised on this basis.
- 4.51 With regard to refuse and cycle storage, the submitted plans indicate that a 10 bay cycle rack will be provided and two refuse store areas will be provided. The parking standards require a minimum of 1 cycle parking space per unit and requires cycle parking to be covered and secure. Whilst insufficient cycle storage is shown this could be secured via planning condition. However, with regard to refuse stores, concern is raised, by virtue of the layout and location of the development and the electronic gates hereby proposed suggest that appropriate refuse and recycling facilities may not be able to be provided.
- 4.52 The site is located in close proximity to industrial units and a main line train station. As such, the proposed premises may be subject to noise and disturbance from the existing noise sources. No noise impact assessment has been submitted with the application in this regard. This issue could be dealt with through conditions if the scheme is considered acceptable overall.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management Document Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.53 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per flat. This would equate to a minimum requirement of 14 spaces. The proposed development will provide 14 parking spaces: 5 parking spaces will be provided in the position of the existing garages and will be accessed directly from Shoebury Avenue. The remaining 9 spaces will be provided within the main site area and inside the electric gates.
- 4.54 The Highway Authority has commented that given the previous use of the site and the vehicle movements associated with that use, the development would not have a detrimental impact on the public highway. However, with regard to parking, the Highway Authority have commented that clarification is needed from the applicant regarding the parking fronting Shoebury Avenue as there is a lamp column that is not shown on the submitted plans which will prevent a vehicle using one of the spaces. It is also noted that the parking spaces proposed outside the electronic gates would not be convenient for the future occupiers of the site. The contrived parking layout supports the Council's position that this proposal constitutes the overdevelopment of the site.
- 4.55 As such, concern is raised that the proposed development would provide insufficient usable parking, resulting in either an increase of on-street parking to the detriment of highway safety or unsafe vehicular movements, by virtue of trying to access an awkward and inaccessible space behind a light column to the detriment of highways safety. The development is therefore contrary to the NPPF, Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document.

Waste Management

- 4.56 In terms of refuse facilities, two refuse stores are shown on the submitted plans which are located some distance from the highway and the entrances to the flat. The refuse stores would also be visible from the streetscene and given their location; located between parking bays, have limited potential to benefit from landscaping. The Highway Authority has also commented that the refuse storage is provided outside of the collection guidance and is not accessible due to the proposed gates and as such alternative arrangement would need to be made on the day of collection. As such, concern is raised that the proposed development would not be able to provide adequate refuse and recycling facilities, contrary to National and Local Planning Policy.

Cycle storage

- 4.57 The plans indicate that a 10 bay cycle rack will be provided on the site, near the main parking area. However, the parking standards require a minimum of 1 secure, covered cycle parking space per dwelling. As such, the proposed cycle parking is deficient of 4 spaces. However, it is considered that the cycle parking provision and the details of the cycle parking which must be secure and covered can be secured via condition. Subject to a condition no objection is therefore raised on this basis.

Sustainability

NPPF, Core Strategy Policies KP2, CP4 and CP8, Development Management Document Policies DM1, DM2 and the Design and Townscape Guide.

- 4.58 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.59 Whilst no details have been submitted to demonstrate compliance with the above policy, it is considered that the requirement could be secured via planning condition. Subject to such a condition, no objection is therefore raised on this basis.
- 4.60 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 4.61 Whilst no details have been submitted to demonstrate compliance with the above policy, it is considered that the requirement could be secured via planning condition. Subject to such a condition no objection is therefore raised on this basis.
- 4.62 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this would be dealt with by conditions if the application is deemed acceptable.

Other Matters

- 4.63 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 4.64 With regard to the neighbour comments received, the majority of the concerns raised have already been considered above. These material considerations include residential amenity concerns, including loss of privacy, overlooking, loss of light and outlook, overshadowing and an overbearing impact, parking and highways safety concerns, design and the impact on the character and appearance of the area, including the size, style and design of the development. The development has been considered in relation to the Development Plan and other material

considerations including the living conditions for the future occupiers, the size of the outside amenity space provided and any impact on the neighbours in terms of noise and disturbance has also been considered above. A condition can be imposed on any grant of consent requiring a construction method statement to be submitted prior to the commencement of any development. The electronic gates proposed have been considered above, and with regard to concerns raised in relation to sewers, comments in this respect have been received from Anglian Water and Essex and Suffolk Water.

- 4.65 Neighbours have also raised a number of non-material planning issues, including developer profits/benefits and the saleability and value of the neighbouring dwellings. Concerns relating to boundaries would be a civil matter, however, it is noted that the design and access statement submitted states “...it is understood that the applicant would in some cases like to reduce the overall height of these brick walls to a maximum of 2.400m high. In some instances the adjacent owners have built sheds against the walls and it is the intention of the application to reach agreement with the neighbours on the height reductions....” A condition can also be imposed on any grant of consent, requiring boundary details to address any planning related concerns in this regard.
- 4.66 It is noted that the elevation plans are incorrectly labelled but this has not prejudiced the application. The neighbour consultation period provided was in accordance with the Statutory requirements. The information submitted with the application indicates that there are no rights of way over the application site.

Community Infrastructure Levy

- 4.67 This application is CIL liable. If the application had been recommended for approval, a CIL charge could have been payable. If an appeal is lodged and allowed the development could be CIL liable. Any revised application could also be CIL liable.

Planning Obligations

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007) strategic objective SO7, policies KP3 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

- 4.68 The Core Strategy Policy KP3 requires that:

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

- 4.69 In this instance, affordable housing and a contribution towards secondary education are of relevance. For information, primary education is covered by the Community Infrastructure Levy, as set out in the Council’s Infrastructure Delivery Plan and CIL Regulation 123 Infrastructure List, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests and the pooling restriction).

4.70 Paragraph 205 of the NPPF states the following:

Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

4.71 The need to take viability into account in making decisions in relation to planning obligations on individual planning applications is reiterated in Paragraph: 019 Reference ID: 10-019-20140306 of the NPPG, which sets out the following guidance:

In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

4.72 Specifically in relation to incentivising the bringing back into use of brownfield sites, which the application site is, the NPPG also requires local planning authorities “...to take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.” (NPPG Paragraph: 026 Reference ID: 10-026-20140306).

4.73 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states the following:

The Borough Council will:

...enter into negotiations with developers to ensure that:

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

- 4.74 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations” (SPD2).
- 4.75 In this regard, the Planning Statement submitted indicates *‘Provision of affordable housing has been provided to the proposal and the applicants’ solicitor is in consultation with the Local Authority to agree ‘Heads of Terms’ as part of a 106 Agreement to be completed in conjunction with the granting of planning permission for the proposal.*”
- 4.76 It is acknowledged that national and local planning policy requires this to be adjusted if necessary on viability grounds. However, in this regard, no viability statement has been submitted and the Council is yet to receive any Heads of Terms.
- 4.77 The clear preference in terms of affordable housing provision in this instance would be for 20% of the dwellings on-site to be affordable. In this regard, the development of 14 flats would require the provision of 2.8 affordable units. The Housing Department has commented that based on the need of Southend, this development would need to provide 2x 1-bedroom units and 1x 2-bedroom units with 2 of the units constituting affordable rent and one unit constituting intermediate housing.
- 4.78 However, the Council’s Housing Department has commented that on this occasion due to the size of the scheme and the limited number of affordable units, it is recommended that either a financial contribution in lieu of the affordable units is sought, in accordance with the Council’s Interim Affordable Housing Policy or that the applicant explores the possibility of a registered provider taking on the entire block.
- 4.79 In this respect, the Council’s Interim Affordable Housing Policy, which is guidance and which is a material consideration in the determination of a planning application, which supplements Policy CP8 of the Core Strategy and Policy DM7 of the Development Management Document sets out some instances whereby a financial contribution, or partial contribution may be appropriate in lieu of on-site affordable housing provisions. However, in such cases the application requires specific evidence and information to support the sum provided. No such information has been submitted to date.
- 4.80 In terms of the secondary Education requirements, the Education Officer has confirmed that Shoeburyness High School is oversubscribed and this development will have an impact on this. This secondary school is currently being expanded and based on the size and scale of the development hereby proposed, a contribution of £7,158.58 is required to mitigate against the increased demand this development will result in, in this respect.

- 4.81 However, no Heads of Terms were provided with the application and no S106 Legal Agreement has been completed to date. In the absence of a formal undertaking to secure appropriate contributions to affordable housing and secondary education facilities, or adequate evidence to demonstrate that policy compliant developer contributions cannot be supported by the scheme, the proposed development would fail to provide affordable housing to meet local need and mitigate the resulting increased pressure on local education infrastructure. This is unacceptable and contrary to the NPPF and Policies KP3, CP6 and CP8 of the Core Strategy

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development does not constitute sustainable development, is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The proposed development constitutes an unacceptable mix of dwellings on the site, is of a contrived and unacceptable design that would result in material harm to the character and appearance of the area and would result in material unacceptable harm to the residential amenity of the adjoining residents. The outside amenity space is contrived and not particularly usable given its design and location. Concern is also raised in relation to the inconvenient location of the parking spaces, that the existing lamp column would prevent one of the parking spaces being accessed to the detriment of Highway safety. The 1-bedroom flats are of substandard sizes and the refuse storage proposed inadequate. Insufficient information has been provided to confirm the development would comply with the M4(2) and M4(3) accessibility standards. The applicant has also failed to provide any Heads of Terms and no S106 legal agreement has been completed to date to secure appropriate contributions for affordable housing and secondary education facilities. The scheme therefore fails to provide affordable housing to meet local needs and fails to mitigate the resulting increased pressure on local education infrastructure.

- 5.2 The benefits of the proposal do not outweigh the significant and material harm identified as a result of this proposal and the application is therefore recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 6.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), Policy DM10 (Employment Sectors), Policy DM11 (Employment Areas), Policy DM14 (Environmental Protection) and Policy DM15 (Sustainable Transport Management)

- 6.4 SPD1 Design & Townscape Guide 2009
- 6.5 SPD2 Planning Obligations 2010
- 6.6 Community Infrastructure Levy Charging Schedule 2015

7 Representation Summary

Essex County Fire and Rescue Services

7.1 Access

Access for Fire Services purposes has been considered in accordance with the Essex Act 1987 – Section 13. It appears to satisfy the requirements given in ADB B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulations Stage.

Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations.

Water Supplies

The architect or applicant is reminded that additional water supplied for fire fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters 01376-576344.

Sprinkler Systems

There is clear evidence that the installation of Automatic Water Suppressions Systems (AWSS) can be effective in the repaid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally places to promote a better understanding of how fire protections measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

Traffic and Transportation

- 7.2 Having reviewed the application consideration has been given to the previous use of the site and the number of vehicle movements associated with that use. The proposal will reduce the number of vehicle trips to the site and will not have a detrimental impact on the public highway. Clarification is needed from the application relating to the parking that fronts Shoebury Avenue as there is a lamp column that is not shown on the applicants plan which will prevent a vehicle using one of the parking spaces, this will need to be addressed before a positive comment can be given.

Secure cycle parking has been provided refuse storage has also been provided however the location is outside of collection guidance and is not accessible due to residential gates therefore alternative arrangements will need to be made on the day of collection.

Housing

7.3 Affordable housing requirement is 2x 1-bed units and 1x 2-bed units

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

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

This development is required to provide 20% affordable housing which equates to 2.8 units of affordable housing.

In terms of the dwelling mix, the SHMA Review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages indicated below are the affordable housing provision by bedroom size for the borough.

The percentage of affordable housing element required within the borough: -

1 bed	2 bed	3 bed	4+ bed
16%	43%	37%	4%

Further to the SHMA data above, consideration is given to the housing need as defined by the high priority bands within Southend Borough Councils Housing Register data (below).

Min Bed Size	Band A	Band B	Band C	Grand Total	% of Need (bed need)
0/1	92	35	465	592	39.15
2	26	60	447	533	35.25
3	1	42	285	328	21.69
4	1	11	43	55	3.64
5		2	2	4	0.26
Grand Total	120	150	1242	1512	100.00

The development will have to provide 2 x 1 bedroom units and 1 x 2 bedroom units in order to meet the need as demonstrated by the HR data (see below).

Preference based on HR data (high priority bands)					
AH Breakdown	Preferred	Applicable	Revised %	Exact Units	Rounded Units
1 bed	39.15	39.15	0.53	1.47	2
2 bed	35.25	35.25	0.47	1.33	1
3 bed	21.69	0.00	0.00	0.00	0
4 bed	3.64		0.00	0.00	0
5 bed	0.26		0.00	0.00	0
				Total	3

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

	Exact	Rounded
AH Units:	2.8	3
AR (60%)	1.68	2
SO (40%)	1.12	1

On this occasion due to the size of the scheme and the limited number of affordable units, it is the Strategic Housing team's recommendation that one of the following options are sought:

1. A financial contribution in lieu of affordable housing is sought in accordance with Southend Borough Council's Interim Affordable Housing Policy
2. There is a possibility Registered Providers (RPs) would be interested in taking on the whole block, in which case the applicant may wish to contact RP's whom are locally active in the borough.

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

Guide to Unit Sizes

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

7.4 Education

This application falls within the Hinguar Primary School and Shoeburyness High School catchment areas. Both these schools are over-subscribed and this development will have an impact on this. Other local primary schools should be able to accommodate the extra pupil product; however, there is only one secondary school that is currently being expanded against current demand. A contribution toward Secondary expansion is requested at £7,158.58

Anglian Water

- 7.5 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Southend Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Foul Sewerage Network

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

Surface Water Disposal

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

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA)

[Officer Comment: No water strategy has been submitted. This could be controlled via planning condition]

Anglian Water suggest planning conditions requiring a drainage strategy, foul water strategy and a surface water management strategy in this respect.

Environmental Health

7.6 Noise

The location plan submitted shows electric gates to be installed in close proximity to existing residential development. It also states that use of the site will be quieter, vehicle movements will be reduced and smaller vehicles will be used in connection with the proposal. However no noise impact assessment and/or vehicular access study appear to have been submitted in relation to the application to demonstrate this.

It is assumed that the coal yard is only used during daytime hours however this has not been clarified. Vehicles associated with the proposed residential development have the potential to access the site 24hours per day. This could mean use of the electric gates late at night and in to the early hours of the morning. Due to the close proximity of existing residential properties this may cause noise issues.

A noise assessment is required to be submitted in relation to the proposal. Predicted noise levels associated with vehicle movements – daytime and night time should be assessed. Also noise associated with the car park needs to be considered and included in the assessment i.e. use of the electric gates, car doors slamming etc.

Mitigation measures may be required.

The application site is in close proximity to industrial units and a main line train station. The proposed residential premises may be subject to noise and disturbance from the existing noise sources. The noise assessment shall evaluate the potential noise impact to the future occupiers of the development. Noise levels for the communal amenity area should also be assessed.

A full asbestos survey shall be carried out by a suitably qualified person on the building(s) to be demolished.

The site is classed as being potentially contaminated land. A geo-environmental phase I and phase II contaminated land report has been submitted with the application. This report details that contamination is present on the site and that remediation and validation is required to ensure its suitability for the proposed end use.

Conditions are sought relating to:

- Demolition
- Contaminated land
- Construction
- Lighting

Essex and Suffolk Water

7.7 Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

Design Officer

7.8 The site is a former coal yard located in a backland area between Shoebury Avenue, Wakering Avenue and Friars Street. This area is characterised by modest late Victorian terraces and semi-detached properties which are uniform in their arrangement and scale.

There are small variations in property design but the majority have simple gabled roof forms, tall sash windows with ground floor bays and prominent chimneys giving the area a distinct and cohesive character. Materials include yellow stock brick, render or pebble dash, red tile or slate roofs .

The site is triangular shaped with an open aspect to the south east where it can be viewed from Shoebury Avenue across the rear gardens of the neighbouring houses.

The proposal for a single block of 14 flats. It is mainly 3 storeys, with a smaller wing of two storeys to the south west corner. The block is essentially L shaped with some stepping in the footprint and follows close to the boundary of the site.

There are many concerns with the design of this proposal which are outlined below:

- Scale and bulk out of character with area and will be very apparent in the streetscene above the houses and when viewed from the open aspect to the south east
- The scale of the footprint and the layout so close to edges has little respect for the grain of the area.

- The roof adds significant scale and bulk to the proposal. It is generally hipped but over complicated in its design and unresolved in its form with many awkward details including a large projecting parapet at its centre which is a dominant and incongruous addition. This roof form will contrast to the simple and well resolved gabled forms of the surrounding development and will appear at odds with the surrounding development as well as over scaled and unresolved.
- The building has little articulation to the elevations - the few projecting gables are weak in their scale and dominated by the overall size and bulk of the building. These do little to break up the scale of the proposal or enliven the elevations which generally appear rather flat and lacking in interest and which include a number of large blank areas. The lack of articulation just highlights the scale and bulk of the development.
- The overall appearance is 'traditional' in design but does not draw any reference from the character of the houses that surround the site so has no basis in this location. Instead the proposal has opted for a 'generic traditional style' which has no basis in this location and is a poor interpretation of traditional design in itself.
- The entrances are weak and do little to enliven the elevations or provide a focal feature
- The layout shows that a number of flats will have their main outlook directly onto parking with no space for a landscaped buffer or defensible amenity area, these units will therefore have a poor outlook
- The proposed tall gated entrance is out of character with the area generally and will appear out of place in the streetscene. The proposed open car park to the road is also unattractive and will be detrimental to the streetscene. It will also mean that parking for the flats is very remote. This area would be better as soft landscaping.
- The amenity space seems very narrow and there is no direct access for the flats, even for those which look out onto it and this is considered to be a poor design. In addition, there seems to be little space for soft landscaping to the front of the building which will mean that the development will have a poor outlook on this side and the extent of hard surfacing will not provide an attractive setting for the building.
- The materials, and in particular the stucco render base and red brick have are not appropriate for this location and will appear out of place.

Overall the scale and bulk of this proposal is out of character with the grain of the area, the roof design in particular is unresolved and over scaled and the design is poor quality generally. This proposal would be detrimental to the surrounding area and streetscene and is therefore unacceptable.

It is suggested that a small mew court of modest two storey gabled houses would be more appropriate for this location. (e.g. see rear of Hinguar School Site)

8 Public Consultation

8.1 A site notice was displayed, the application was advertised in the press and 47 neighbour letters were sent out.

8.2 15 letters of objection have been received which make the following summarised comments:

- Loss of privacy, overlooking gardens and windows – would make areas unusable. Infringement of Human Right to privacy.
- Loss of light – sunlight and daylight into gardens and rooms and overshadowing.
- Contravenes 45 degree rule.
- Loss of outlook and views.
- Overbearing.
- Security risk due to overlooking.
- Insufficient parking, resulting in on-street parking, making existing parking problems worse. Surrounding roads cannot cope with parking. No visitor spaces. Surrounding roads are busy and congested already. Will cause traffic problems and create safety hazards for other motorists.
- Too big and high and concerns relating to its size – all properties in surrounding area are two storey. Harm character of adjoining properties.
- Concerns relating to the appearance of the building. Eyesore. Could ruin the character of the village. Siting is ill-considered. The style and design is out of keeping with the historic character. Would dominate the surrounding period buildings, blot on the landscape. Out of character and overdevelopment. Oversized for the plot.
- Has little outdoor space.
- Not in accordance with Policy DM1 in terms of privacy, overlooking, outlook, visual enclosure, daylight and sunlight. Contrary to Southend's planning policies.
- Too many units on the site and the flats are too small to meet the National Technical Standards.
- Insufficient time to object/discuss proposal and consultation period was over Christmas and lack of neighbour consultation and no site notices. Lack of information for neighbours.
[Officer comment: consultation was undertaken in accordance with statutory requirements]
- Inaccurate labelling of plans and inaccurate statements.
[Officer comment: the plans submitted and sufficient to determine the application]
- Recognise coal yard's future is limited and welcome development that enhances area and does not impact our privacy.
- Concerned proposal will alter the right of access to rear of properties – was once an alley to rear of properties in Wakering Avenue.
- Existing coal yard does not cause noise or nuisance – 14 dwellings will potentially impact noise and nuisance.
- Noise, disturbance and traffic to rear of properties.
- Detainment to enjoyment of gardens.
- Electric gate will separate new and old residents.
- What will happen to the back wall of the garages? Concerns about the boundary treatments.

- Concerns about noise and mess from works and demolition and vehicles.
- Additional pressure on existing sewer pipes.
- Will not benefit people in the area.
- Benefits/profits to developer.
- Impact saleability and value of neighbouring properties.

[Officer Comment: this is not a material planning consideration]

8.3 This application was called in to the Development Control Committee by Cllr Ward.

9 Relevant Planning History

9.1 None

10 Recommendation

Members are recommended to: REFUSE PLANNING PERMISSION for the following reasons:

01 The proposal would by reason of its size, scale, bulk, mass and detailed design, constitute unacceptable backland development, resulting in a contrived and incongruous scheme that is unacceptable and would result in material harm to the character and appearance of the site and the surrounding area, contrary to 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 Design and Townscape Guide (2009).

02 The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework, Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

03 The design, size, siting, bulk and mass of the proposed development are such that it is overbearing, visually obtrusive and would cause unacceptable overlooking, a sense of enclosure and loss of privacy and light to the detriment of the amenities of the occupiers of neighbouring dwellings in Shoebury Avenue, Friars Street and Wakering Avenue.

The development is therefore 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 Design and Townscape Guide (2009).

04 By virtue of the insufficient floorspace of the 1 bedroom flats proposed, the poor quality of the external amenity space provided, the inconveniently located parking spaces and the inadequate and inaccessible refuse stores, the development would provide substandard living conditions for the future occupiers of the site, providing a poor quality residential environment.

The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 05 The submission does not demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community and information has not been submitted to demonstrate that the new dwellings would meet the M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM8 of the Development Management Document (2015).**
- 06 As a result of an existing lamp column, one of the parking spaces fronting Shoebury Avenue would not be safely accessible. As a result the development would provide either insufficient parking and result in an increase of on-street parking to the detriment of highway safety or would result in unsafe vehicular movements by virtue of residents trying to access an inaccessible space to the detriment of the highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).**
- 07 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and no evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action

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.**