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|----------------------|--|--|
| Reference:           | 17/02159/FULM  |  |
| Ward:                | Prittlewell  |  |
| Proposal:            | Demolish existing building and erect 4 storey block comprising of 18 self-contained flats with associated car parking and amenity space and refuse and cycle stores and vehicular access onto Roots Hall Avenue. |  |
| Address:             | 25 Roots Hall Avenue, Southend-on-Sea, Essex, SS2 6HN  |  |
| Applicant:           | Icon ECDB Ltd  |  |
| Agent:               | RD Architecture  |  |
| Consultation Expiry: | 23.01.2018   |  |
| Expiry Date:         | 23.03.2018   |  |
| Case Officer:        | Charlotte White  |  |
| Plan Nos:            | 1594/110/P1, 1594/111/P1, 1594/120/P1, 1594/130/P1, 1594/140/P1, 1594/150/P1, 1594/220/P2 1594/230/P3 1594/250/P5, 1594/251/P5, 1594/260/P4, 1594/261/P2, 1594/262/P1, 1594/270/P1                               |  |
| Recommendation:      | REFUSE PLANNING PERMISSION   |  |



## 1 The Proposal

1.1 Planning permission is sought to demolish the existing vacant building on the site and construct a four storey building incorporating 18 flats. The building has been designed with the fourth storey constituting a mansard-type roof which is set in from the edges of the building and includes a raised terrace area. 17 parking spaces are proposed, 9 of which would be accessed directly from Roots Hall Avenue, with the remaining 8 accessed via an access road located to east of the site. Communal amenity space is provided to the rear of the site and on the roof terrace, with the first, second and third floor flats having private balconies also.

1.2 The details of the scheme are summarised as follows:

|               |   |
|---------------|---|
| Units         | 4x 1-bedroom flats (77sqm)<br>10x 2-bedroom flats (94sqm – 105 sqm)<br>4x 3-bedroom flats (110sqm – 150 sqm)  |
| Parking       | 17 parking spaces   |
| Amenity space | 100 sq.m communal amenity space at ground floor level, 63sqm communal amenity space on the roof terrace, and private balconies to all but the ground floor units. |
| Height (max)  | 4 storey (12m max)  |
| Width (max)   | 25.5m   |
| Depth (max)   | 16.7m   |

1.3 The floors will include:

- Ground floor- 2x 1-bedroom flats, 2x 3-bedroom flats
- First floor- 1x 1-bed flat, 5x 2-bed flats.
- Second floor- 1x 1-bed flat, 5x 2-bed flats.
- Third floor – 2x 3-bedroom flats.

1.4 Cycle storage will be provided internally at ground floor level. An external refuse store is proposed to the east of the site within the landscape buffer within the parking area.

1.5 Materials proposed include a tiled roof, brick and render and grey aluminium windows.

1.6 The application has been submitted with a Design and Access Statement, Transport Statement Recycling/waste management strategy and SUDs statement.

## **2 Site and Surroundings**

- 2.1 The site is located on the northern side of Roots Hall Avenue. The site is occupied by a vacant, two-storey commercial building that is in a poor state of repair.
- 2.2 To the south of the site are terraced dwellinghouses. To the immediate east of the site is a vacant, hardsurfaced area which is in a poor state of repair and is used for informal parking. The ground slopes down at the rear and backs onto Roots Hall Football ground car park. To the west of the site is open storage.
- 2.3 The site is not located within an area with any specific planning allocation on the Development Management Document Proposals Map.
- 2.4 The Prittlewell Conservation Area is located to the east of the site.

### *Background for the site:*

- 2.5 The most recent outline planning permission granted (ref. 07/01180/OUTM) to demolish the existing building and erect a 3 storey block of 18 flats with basement parking spaces was approved, subject to conditions and a S106 Legal Agreement to secure education contributions and affordable housing on 4<sup>th</sup> December 2012. All matters were reserved, and no reserved matters application was submitted. This application is therefore no longer extant and as such limited weight can be afforded to this permission. It is also noted that since the determination of this outline planning permission there have been changes in Planning Policy, including the adoption of the Development Management Document (2015).

## **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 (2007) Policies KP1, KP2, CP1, CP4, CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM8, DM10, DM11, DM14 and DM15 and the Design and Townscape Guide (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 focus regeneration and growth within the Southend Town Centre and Central Area, providing for 6,500 new jobs and at least 2,000 additional homes.
- 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 or 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 not accompanied by any supporting information to demonstrate that the site is not viable as a commercial site.
- 4.7 Whilst it is noted that the site is constrained by the adjoining residential units, and whilst the unit appears to have been vacant for significant length of time, in the absence of any supporting information or evidence to demonstrate justification for the loss of employment use, the proposal has failed to comply with the development plan and an objection is raised on this basis.

#### *Dwelling Mix*

- 4.8 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                         | 22%   | 55%   | 22%   | 0%    |

- 4.9 Whilst the proposed development does not exactly reflect the housing needs of the Borough, given that it includes a mix of 1, 2 and 3 bedroom units, it is considered that a suitable mix of dwellings will be provided on the site, to meet a range of needs within the Borough, in accordance with Policy DM7 of the Development Management Document and is in accordance with 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). No objection is therefore raised on this basis.

**Design and Impact on the Character of the Area (including the nearby Prittlewell Conservation Area).**

**The National Planning Policy Framework; Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) policies DM1, DM3 and DM5 and the Design and Townscape Guide (2009).**

- 4.10 S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 4.11 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.
- 4.12 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.*”
- 4.13 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.

- 4.14 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”.*
- 4.15 Policy DM5 states *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation area, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.”*
- 4.16 The existing building on the site is in a poor state of repair and its redevelopment has the potential to benefit the streetscene. Whilst located in a cul-de-sac, given its positioning the site is highly prominent from West Street.
- 4.17 In terms of size and bulk, the proposed building is of a considerably greater size, scale, mass, bulk and height than the existing building on the site. The surrounding dwellings are two-storey in scale, and this proposed four storey building, which is of a substantial size and height would be materially out of keeping with the scale of the existing dwellings. Whilst the existing building is larger than the adjoining development, this proposal is substantially materially greater in size, as indicated on the existing and proposed massing plan submitted (ref. 1594/270/P1). Concern is therefore raised to the size, scale, mass and bulk of the development, which, if approved would result in an incongruous and bulky development which is out of scale with other properties in Roots Hall Avenue in a highly prominent location, contrary to National and Local Planning Policy.
- 4.18 In terms of the design and appearance, the building has an unrefined ‘box like form’ with a mansard roof. The development includes two rendered front projections; however, these provide limited articulation to break up the large mass and bulk of the building. The mansard roof is also out of character in the area and is a poor design feature. The eastern side elevation is also poor, including a large expanse of undercroft parking. The design lacks subtlety and finesse and results in a feature which is wholly out of keeping and would visually jar with the surrounding development.
- 4.19 In terms of materials, whilst limited details have been submitted at this stage, the plans indicate that the development will include fairly large expanses of red brick with some render. The majority of the terraced houses in the streetscene constitute render, painted brickwork or brown facing brickwork. As such the red brickwork would increase the prominence of the proposed building and would be at odds with the prevailing character of the area. However, a condition could be imposed on any grant of consent requiring samples of materials to be submitted.

- 4.20 In terms of landscaping, the front of the site would be dominated by extensive hardsurfacing for parking and parked vehicles, with very limited opportunities for soft landscaping. Whilst there is existing hardsurfacing and parking at the front of the site, the existing commercial use has a different character to the proposed residential development and it is noted as making a negative contribution to visual amenity. Moreover, the existing site does not include a full width crossover.
- 4.21 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, unduly functional design hereby proposed. The proposed development is of an unacceptable size, scale, mass and bulk and includes unacceptable design detailing, excessive hardsurfacing and limited opportunities for soft landscaping. Nor does the ground floor amenity area, set in a rectangular arrangement to the building's rear provide any mitigation to assist in the buildings publically viewed setting.
- 4.22 Given the design, size and scale of the development, the proposal would also have a negative impact on the setting of the nearby Prittlewell Conservation Area. Whilst this harm would be less than substantial, the public benefits (the provision of 18 additional market dwellings) would not outweigh this harm.
- 4.23 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, including the adjoining Prittlewell Conservation Area, contrary to the National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 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 (2007), Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).**

- 4.24 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.
- 4.25 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):
- 4.26 *"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;"*

- 4.27 In terms of overlooking, the front windows proposed overlook the public highway which is already open to public gaze, the side windows overlook commercial areas and the rear overlooks the car park to the football stadium. The football stadium may be developed in the future, and this development should not prejudice any future development of the larger site but it is considered that the adjoining site is significantly large for designers of any future development proposals there to resolve that issue at that time. Given that the site is currently a car park, the proposal would have no material impact upon the residential amenity of adjoining residents in terms of overlooking or loss of privacy and no objection is therefore raised on this basis.
- 4.28 In terms of dominance and an overbearing impact, whilst the development is of a visually unacceptable size and scale, the development is sufficiently removed from the dwellings to the south and adjoins commercial uses to the sides and rear. As such it is considered that the proposal would not result in any direct dominance or overbearing impact, sense of enclosure or loss of light and outlook in this respect.
- 4.29 In terms of noise and disturbance, the residential use proposed would not result in any material noise and disturbance to the adjoining residents.
- 4.30 As such it is considered that the development would not result in any material adverse harm to the residential amenity of the adjoining residents. It is therefore acceptable and policy compliant in this regard.

#### **Standard of Accommodation:**

**National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009).**

- 4.31 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 (4 bed spaces) 70 sq. m
  - 3 bedroom (6 bed spaces) 95 sq.m
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup> ; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of



the Gross Internal Area.

4.32 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.33 All of the flats proposed exceed the minimum sizes required by the technical housing standards. The bedrooms are of acceptable sizes and the flats have been designed to have dedicated, built-in storage. No objection is therefore raised on this basis.

4.34 In terms of light, ventilation and outlook, whilst all habitable rooms will be provided with windows, given the location and nature of some of these windows and the depth of the floor layouts towards the building's core, the development would result in limited light and outlook to some of the habitable rooms, resulting in substandard living conditions for the future occupiers of the site. In particular, the ground floor eastern side windows would be adjacent to the undercroft parking, providing very limited light and outlook and a poor residential environment. In this respect, particular concern is raised with regard to the bedroom within flat 1 which would only be served by 1 window overlooking the undercroft parking area. Flat 4 also has windows which are only either north facing or which face onto the undercroft carport. This is considered to be a poor standard of design for a new build proposal. The ground floor front windows would also be located in close proximity to the parking area proposed at the front of the site, limiting the quality of their outlook. The proposed development therefore fails to provide adequate living conditions for the future occupiers of the site.

4.35 No contaminated land report has been submitted with the application. Given the previous use of the site, it is possible that the site could suffer from contamination. However, a condition can be imposed on any grant of consent in this respect.

- 4.36 With regard to the external amenity space, 163 sqm communal space is provided, and with the exception of the ground floor flats, the flats have private amenity balconies. Such amenity space provision is considered acceptable and would provide adequate outside amenity facilities for the future occupiers of the site.
- 4.37 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.
- 4.38 The applicant's Agent has confirmed that three flats at ground floor level can meet M4(3) standards, and it is considered that a condition can be attached to any grant of consent requiring compliance with the M4(2) standard. Subject to a condition no objection is therefore raised on this basis.
- 4.39 With regard to refuse and cycle storage, the submitted plans and information indicate that 54 cycle spaces will be provided and an outside refuse store area 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. The cycle parking proposed is therefore acceptable. With regard to refuse, a recycling/waste management strategy has been submitted. However, the information provided in this document is limited. Subject to a condition requiring full details, such as the number of containers proposed, no objection is raised on this basis.
- 4.40 The site is located in close proximity to the football ground. As such, the proposed premises may be subject to noise and disturbance from this existing noise sources. No noise impact assessment has been submitted with the application in this regard. However, this issue could potentially be dealt with through conditions if the scheme were considered acceptable overall.

#### **Highways and Transport Issues:**

**National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).**

- 4.41 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 18 spaces. The proposed development will provide 17 parking spaces. The site is therefore deficient of 1 parking space. However, the site is located in a highly sustainable location, well served by bus routes and within reasonable walking distance of Prindlewell Railway Station. Sufficient cycle parking is also provided. The Highway Authority has also raised no objection to the parking provisions proposed.
- 4.42 In terms of highway impacts, a transport statement has been submitted with the application which demonstrates that the development would not have a detrimental impact upon the highway when compared to the existing use. No objection is therefore raised on this basis.

## **Sustainability**

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

- 4.43 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
- 4.44 The submitted plans indicate that PV panels will be provided on the roof of the development. No details have been submitted to demonstrate compliance with the above policy; however, it is considered that this requirement could be secured via planning condition. Subject to such a condition, no objection is therefore raised on this basis.
- 4.45 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.
- 4.46 Whilst a SUDS/ surface water drainage statement has been submitted, it includes limited information and a condition would need to be imposed on any grant of consent to demonstrate full compliance with Policy KP2.
- 4.47 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**

- 4.48 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.

## **Community Infrastructure Levy**

- 4.49 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)**

- 4.50 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.”*

- 4.51 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).

- 4.52 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.*

- 4.53 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.*

- 4.54 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).
- 4.55 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.*
- 4.56 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”
- 4.57 The requirements for this development constitute the provision of 4 on-site affordable units and a secondary education contribution of £24,489.89.
- 4.58 In this regard, the applicant has failed to indicate whether a requisite affordable housing and secondary education contributions will be provided. No Heads of Terms have been received, no viability assessment has been provided and no Legal Agreement under S106 of the Town and Country Planning Act (1990) as amended 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 applicant has failed to demonstrate that the site is no longer effective or viable to accommodate its continued use for employment

purposes. The proposed development is of a contrived and unacceptable, unrefined design that would result in a bulky, intrusive feature which would be unrelieved by any soft landscaping setting and would materially harm the character and appearance of the area including the setting of the nearby Conservation Area. The development fails to provide adequate living conditions for future occupiers of the site by virtue of habitable rooms being provided with poor light and outlook. The above concerns are indicative of an unacceptable overdevelopment of the site. 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. Whilst outline planning permission was granted for 18 units on this site, this is no longer extant and provides no justification for the unacceptable scheme for full consent hereby proposed which has been capable of full and considered assessment based on the detailed plans submitted.

## **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 DM5 (Southend on Sea's Historic Environment) 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 Design & Townscape Guide 2009
- 6.5 Planning Obligations 2010
- 6.6 Community Infrastructure Levy Charging Schedule 2015

## **7 Representation Summary**

### **Traffic and Transportation**

- 7.1 The applicant has provided a comprehensive transport statement which demonstrates that the proposed development will not have a detrimental impact on the public highway with 1 additional 2 way traffic movement when compared to the existing use. The applicant has also provided 54 cycle spaces to provide an alternative travel option. The site also benefits from being in a sustainable location

with regard to public transport with good links in close proximity.

The applicant should ensure that the construction of the private road that serves the refuse collection is of suitable make up to accommodate a refuse freighter. The refuse storage area should be covered and secure.

The applicant will be required to ensure that a footway is still maintained when providing additional vehicle crossovers. The applicant has not shown the existing lamp column on site this will need to be changed and alterations made to the parking layout with the highway boundary clearly identified. The applicant will be required to enter into a Section 278 agreement to carry out any highway works associated with the development.

The applicant should also be aware that surface water should not discharge directly onto the public highway as is shown at the front of the site.

Therefore given the information contained within the transport statement and the necessary changes required to the highway layout at the front of the site there are no highway objections to this proposal

## **Housing**

- 7.2 The development will need to provide a minimum of 20% affordable housing which equates to 4 units, or 3 units and a financial contribution of 0.6 units in accordance with Southend Borough Council's Interim Affordable Housing Policy. 2 units should constitute intermediate housing and 2 units should constitute social rent. The affordable housing provided should constitute 2x 1-bedroom units, 1x 2-bed unit and 1x 3-bed unit.

It is recommended that Registered Providers are contacted to understand their preferences as historically they have had reservations around taking 3 bedroom flats. With this in mind, the Strategic Housing Team would also support a dwelling mix of 2 x 1 bedroom units and 2 x 2 bedroom units.

Affordable housing units must meet the latest National Technical Housing Minimum Standards.

## **Education**

- 7.3 This application falls within the school Catchment areas for The Westborough Primary school and Chase High School. All these schools are oversubscribed. Any further developments with the area, even flats, will add to this oversubscription. A contributions towards Secondary expansion at Chase High School of £24,489.89 is requested.

## **Essex and Suffolk Water**

- 7.4 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.

### **Anglian Water**

- 7.5 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows

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.

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).

We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Anglian Water would recommend a condition requiring a foul water strategy.

### **Design Officer**

- 7.6 The site is a vacant industrial building in Roots Hall Avenue. It is one of two industrial buildings in this location. The remainder of the street is characterised by modest two storey late Victorian terraces. The site is located at the northern end of the street where it turns the bend. The existing building terminates the view from the main road, West Street, to the south. To the east the site is close to the boundary of Prittlewell Conservation Area. This is an eclectic mix of historic buildings some of which are to the rear of properties in Victoria Avenue and can be seen from the site.

The site is one of a number of potential development sites in this area including the other industrial site to the east, the open area to the west and the Roots Hall Site to the north.



The proposal seeks to erect a three storey building plus significant roof accommodation on the site. The building has a box like form which is topped with a tall mansard roof. The overall mass and bulk of the proposal is larger than the existing building and would completely dominate the surrounding streetscape including that of the adjacent conservation area. The scale and bulk of the proposal is therefore considered to be unacceptable.

The building has two projecting features to the front but overall these projecting features will not offset the significant scale and bulk of the development. It is also considered, in addition to adding to the bulk of the proposal, the mansard roof is out of character with the area and inappropriate in this context. It is also noted that the detailing of this feature is unbalanced in its placement and in its pitch and this element is generally considered to be poor design. Concern is also raised in regard to the overhanging nature of the upper floors on the east and north elevations. Not only will this result in an unresolved form and dark void in the side of the building, it also means that the rooms on the ground floor east side will outlook into the deep undercroft and will have very poor outlook and virtually no daylight. The fake windows facing the street in this location will be unconvincing in the streetscene and are also a concern.

The outlook for the rooms at ground floor to the west side which look onto a fence close by and also to rooms at ground floor to the front which look directly onto the parking are also a concern. The extent of parking to the forecourt is also considered to be detrimental to the streetscene. It is noted that there is parking in this location at present, but this is related to an industrial unit which has an entirely different character in the street. This solution would not be suitable for a residential proposal where outlook for the occupiers and defensible space needs to be provided in an attractive way.

The implications for the surrounding development sites will also need to be considered. It may be that a more joined up approach would give more options and achieve a better development on this site.

Overall, whilst the change of use proposed is welcomed, it is considered that the scale, bulk, form and detailed design of this proposal would be detrimental to the streetscene and the adjacent conservation area and is unacceptable.

#### Sustainability

It is noted that PVs are proposed for the roof to meet the requirements of KP2. There is no objection to this in principle provided they are not prominent in the streetscene. Any acceptable proposal will be required to demonstrate that 10% of energy needs can be provided.

## **8 Public Consultation**

- 8.1 A site notice was displayed, the application was advertised in the press and 35 neighbour letters were sent out.
- 8.2 No letters of objection have been received to date.
- 8.3 This application was called in to the Development Control Committee by Cllr D Garston.

## **9 Relevant Planning History**

- 9.1 07/01180/OUTM – Demolish building and erect 3 storey block of 18 flats with basement parking spaces, vehicular access, refuse and cycle stores and amenity area (outline – amended proposal) – permission granted.
- 9.2 06/00312/OUT – Demolish building and erect 3 storey block of 18 flats with basement parking spaces (outline – amended proposal) – application refused
- 9.3 06/00202/FUL – Demolish buildings and erect part two/ part three/ part four storey block of 28 self-contained flats, layout 38 parking spaces, cycle and refuse stores and form vehicular access onto Roots Hall Avenue (25 and site adjoining) – application withdrawn
- 9.4 05/01283/OUT – Demolish building and erect 3 storey block of 18 self-contained flats with basement parking spaces – application refused.

## **10 Recommendation**

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

- 01 **The applicant has failed to demonstrate that the site is no longer effective or viable to accommodate a continued use for employment purposes in the medium and long term. The loss of the existing employment floor spaces is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).**
- 02 **The proposal, by reason of its size, scale, bulk, mass and unrefined design; lacking quality and finesse and the excessive extent of permanent hardsurfacing would result in an overly prominent and incongruous development that is unacceptable and would result in material harm to the character and appearance of the site and the surrounding area; including the setting of the adjoining Prittlewell Conservation Area, contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**
- 03 **The proposed scheme would fail to provide adequate light and outlook to all habitable rooms, resulting in substandard living conditions and a poor quality residential environment for the future occupiers of a number of ground floor dwellings on the site. 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).**

- 04**      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 necessary 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.