

Reference:	17/02179/FULM	
Ward:	Chalkwell	
Proposal:	Demolish existing buildings, including 6 Crosby Road, erect three storey building comprising 20 self-contained flats, 6 no dwelling houses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road.	
Address:	Crowstone Preparatory School, 121-123 Crowstone Road, Westcliff-on-Sea, Essex, SS0 8LH	
Applicant:	BESB Contracts Ltd	
Agent:	Phase 2 Planning	
Consultation Expiry:	06.02.2018	
Expiry Date:	06.04.2018	
Case Officer:	Charlotte White	
Plan Nos:	773.001.01, 773.200.02, 773.201.02, 773.202.02, 773.203.02, 773.204.03, 773.205.01, 773.206.00, 773.207.00	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

1.1 Planning permission is sought to demolish the existing buildings on the site (already significantly demolished) as well as No.6 Crosby Road and construct an 'L' shaped, part 2-storey, part 3-storey block of 20 flats facing Crowstone Road and Crosby Road and 6 terraced houses to the rear of the site. The block of 20 flats, includes 18 flats within the main 'L' shaped building, with a smaller block of 2 flats to the western side of the site. Vehicle access will be provided from Crosby Road with parking provided to the rear of the block of flats and on-site for the dwellings with each dwelling having a garage and parking space. An internal road will be provided within the site connecting the eastern part of the site to the more western part of the site. In terms of amenity space the 6x 4-bedroom dwellings would each be provided with a private rear garden area with private balconies provided to six of the first floor flats.

1.2 The details of the scheme are summarised as follows:

Units	6x 4-bedroom houses (7 and 8 person units, sizes ranging from 123sqm – 130sqm) 16x 2-bedroom flats (3 person and 4 person units with sizes ranging from 61sqm to 76sqm) 4x 1-bedroom flats (2 person units measuring 50 to 51sqm)
Parking	24 parking spaces to serve the flats; 3 of which are labelled 'visitor spaces' and 2 of which are shown as accessible spaces. Each dwelling provided with a garage and a parking space. Cycle parking will be provided at 1 space per unit.
Amenity space	No communal amenity space is proposed for the flats (although the information contained within the planning statement indicates there will be shared amenity space). 6 of the flats will be provided with private amenity balconies measuring approximately 2sqm to 6sqm. The 4-bedroom houses will each be provided with private garden areas measuring some 100sqm to some 173sqm.
Height (max)	Flatted blocks max height: 12.5m Houses max height: 9.5m
Width (max)	Main flat block: 38.7m Terraced row of 3 houses: 27.2m
Depth (max)	Main flat block: 24.5m Max depth of houses: 11.15m

1.3 In relation to the flats, the floors will include:

- Ground floor – 1x 1-bedroom flat and 6x 2-bedroom flats.
- First floor – 3x 1-bedroom flats and 5x 2-bedroom flats
- Second floor – 5x 2-bedroom flats

- 1.4 At the time of the officer site visit, the former school buildings were being demolished. The existing dwelling at No.6 Crosby Road appears to be occupied currently.
- 1.5 The application is accompanied by a sustainability and energy report, transport statement, draft heads of terms, sustainable urban drainage (SUDS) and surface water drainage statement, arboricultural impact assessment report, ecological assessment, design and access statement, planning statement, viability assessment, bat survey and environmental noise impact assessment.

2 Site and Surroundings

- 2.1 The site constitutes an irregular shaped site which could be described as two connected rectangles. The northernmost part of the site has a frontage to Crosby Road and Crowstone Road with the southern rectangular section of the site having a frontage onto Victory Path. The northern part of the site is the proposed location for the flats. This part of the site included the previous main school buildings, and includes the dwellinghouse at No.6 Crosby Road. The southern part of the site constitutes the previous school playing field connected to the school and is the location of the 6 dwellinghouses proposed. The site backs onto a number of dwellings in Crosby Road and Crowstone Road.
- 2.2 The area is largely residential in nature and is mainly characterised by large detached houses, although there are some examples of flats within the vicinity of the site. The scale of the surrounding development is mainly 2-2.5 storeys in nature, although the anomaly blocks of flats in the vicinity are up to 4 storey in scale. The southern part of the site adjoins a number of tennis courts. Beyond Victory Path is the C2C railway line.
- 2.3 The information submitted with the application indicates that the Independent Preparatory School closed in July 2016. The school buildings have already been significantly demolished under prior approval (ref. 17/00938/DEM).
- 2.4 The front part of the site has no specific allocation within the Development Management Document proposals map, however, the rear part of the site which constitutes the previous playing fields for the school is designated as protected green space under Policy CP7 of the Core Strategy and as specified on the Borough's Proposals Map.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, including the loss of the playing fields, 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 (NPPF); Core Strategy (2007) policies KP1, KP2, KP3, CP3, CP4, CP6, CP7 and CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide (2009)

Loss of a School and the principle of residential development:

- 4.1 The Core Planning Principles as set out within Paragraph 17 of the NPPF include that planning should *'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth...encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value...'*
- 4.2 The site is located within a residential area and in part 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.
- 4.3 Policy KP1 of the Core Strategy identified a need to deliver 6,500 net additional dwellings in the period 2001-2021 within Southend. 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*. Policy CP8 of the Core Strategy requires the *'provision of not less than 80% of residential development on previously development land (brownfield sites)*.
- 4.4 Paragraph 72 of the NPPF states that *'The Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities'*.
- 4.5 Policy CP6 of the Core Strategy states that developments should support *'improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies...[and] safeguarding existing and providing for new leisure, cultural, recreation and community facilities...'*
- 4.6 With regard to the loss of the school, it is noted that the school has been closed since July 2016. The application has been submitted with a letter from Ayers and Cruiks (a Local Estate Agents) which indicates that the private school closed due to it being financially unviable. The letter indicates that there has been a succession of small private schools closing in Essex, including the Former St Hildas School in Westcliff-on-Sea which closed in July 2014.
- 4.7 In this respect the constraints of the site are noted; it is a small site for a school and surrounded by residential development. The school has been closed for a fairly substantial amount of time now and the school constituted a private, preparatory school and as such would have served only a very limited part of the community. It is also noted that prior approval has already been granted for the demolition of the buildings and that the school buildings are presently largely demolished, quite lawfully. No objection is therefore raised to the principle of the

loss of the school use and its redevelopment for housing. Whilst the proposal will result in the loss of a family dwelling (No.6 Crosby Road) given that the development will provide 6 new family dwellinghouses no objection is raised on this basis in principle.

Loss of protected green space:

- 4.8 Paragraph 73 of the NPPF states *'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'*.
- 4.9 The National Planning Practice Guide (NPPG) provides further guidance on open space, commenting: *"Open space should be taken into account in...considering proposals that may affect existing open space...open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure...as well as being an important part of the landscape and setting of building development, and an important component in the achievement of sustainable development...there is no lower size limit for a Local Green Space...land could be considered for designation even if there is no public access..."* (Paragraphs 001-016).
- 4.10 Paragraph 74 of the NPPF states: *'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
- 4.11 Policy CP7 of the Core Strategy states:
- 'All existing and proposed sport, recreation and green space facilities (including the Southend foreshore and small areas of important local amenity, community resource or biodiversity value) will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community. Any alternative facilities provided in accordance with the above considerations will be required to be provided and available for use before existing facilities are lost. The displacement of existing and proposed facilities from within the built-up area into the adjacent countryside, so as to provide further land for urban development, will not be permitted.'*
- 4.12 With regard to the loss of the school playing fields, it is noted that this part of the site constitutes protected green space. In this respect the Planning Statement submitted states *'The grassland area of the site comprises private land that is not publically accessible. Its use as a playing field in connection with the school has*

ceased and it no longer serves a function and is overgrown...There remains tennis courts adjoining and other publically accessible high quality areas of green space and recreation within walking distance of the site...There is no shortfall or loss of recreation since the closure of this site since July 2016 because it has only ever served a small number of children as play space associated with the school and has served no wider public purpose.

- 4.13 Whilst it is noted that the rear part of the site formed part of the school playing fields and was not publically accessible open space, paragraph 74 of the NPPF would still apply as this proposal will result in the loss of an area of existing playing field. Likewise, Policy CP7 of the Core Strategy seeks to safeguard all sport, recreation and green space facilities unless it can be demonstrated that alternative facilities are being provided. In this respect, the applicant has failed to clearly demonstrate that the open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility. As such, an objection is raised to the principle of the development on this basis.

Dwelling Mix

- 4.14 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	15%	62%	0%	23%

- 4.15 This development provides mainly 2-bedroom flats. However, the greatest need within the Borough is for 3-bedroom units of which this proposal fails to provide any. The submitted planning statement seeks to justify the mix proposed in terms of site constraints, local market needs and viability considerations and the small size of the scheme. On balance this is considered to be an acceptable approach but the mix proposed is not a positive element of the scheme.
- 4.16 In conclusion, the principle of the development is considered unacceptable as the application results in the loss of protected green space.

Design and Impact on the Character of the Area

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

- 4.17 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.
- 4.18 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.”*
- 4.19 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.
- 4.20 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”.*
- 4.21 The surrounding area is mainly characterised by fairly large detached houses, generally of individual styles, but similar characters, that are 2 to 2.5 storeys in scale, the majority of which have hipped roofs, providing a spacious character to the area. There are two buildings in the area which stand out from this established character; Sunningdale Court which is a 4 storey block of flats to the north of the site and Britannia Lodge to the south-east of the site which is a three storey block of flats.
- 4.22 In terms of scale, the main block of flats proposed is ‘L’ shaped and wraps around Crosby Road and Crowstone Road, it is mainly 3 storey in scale, with some 2.5 storey elements with a large pitched roof covering much of the building. The block of flats has been partially set into the ground creating a lower level in part, and has been reduced in scale away from the corner of the site, however, the scale, size and mass of the building is still significant and has a much greater scale and mass than the surrounding development. It is considered that this part of the development would dominate the streetscene and would be out of character with the existing well-spaced detached family housing. The mass and bulk of the development would be accentuated by virtue of the forward projection of the large block of flats in front of the established building line on both frontages. The presence of the existing blocks of flats in the vicinity do not provide any justification for the scale, size and mass of the proposed block of flats, particularly given the lack of setting the scheme would provide to mitigate its bulk and mass.

- 4.23 However, the scale of the separate building providing 2 flats fronting Crosby Road and the scale of the 2.5 storey rows of terraced dwellings to the rear part of the site are acceptable and would not be out of keeping with the surrounding area, although concern is raised with regard to the forward position of the separate building to provide 2 flats which would be out of character with the established building line and character of the area.
- 4.24 The main block of flats is of an unacceptable design and appearance, including poor design elements, with an unacceptable relationship with the street by virtue of the block being partially sunken into the ground, rather than 'stepping up' with the changes in the land levels. This results in the lower most articulated storey being submerged for a significant part of the frontage, creating an unsightly feature which is out of keeping with the surrounding area and fails to provide an active frontage to the streetscene; with the main entrance door located within the lower level and therefore fails to provide a focal point. The flats proposed fail to respect the established building line in the area, increasing the prominence of the development and resulting in a development that is at odds with the surrounding area. Whilst concern is raised in respect of the use of the grey tiled roof that is proposed, a condition can be imposed on any grant of consent requiring material samples to be submitted.
- 4.25 The terraced houses to the rear of the site provide a return frontage to Victory Path which is positive, providing natural surveillance to the path which is positive for crime prevention. However, this part of the proposal also includes some poor design detailing, including that of the fenestration and expanses of blank windows and grey roof tiles/slates, although the materials can be controlled via condition. These are not positive elements of the proposal.
- 4.26 In terms of hard and soft landscaping, whilst it is positive that the parking is provided to the rear of the site, preventing the streetscene being dominated by hardsurfacing and parked vehicles, this has resulted in the development being located forward of the established building line and there is no rear amenity space.
- 4.27 Taking all these factors into account, it is considered that the proposed development is contrived and constitutes overdevelopment of the site, with the proposed main 'L' shaped block of flats being of an unacceptable size, scale, mass and bulk that would be out of keeping with the mainly 2-storey scale of the adjoining dwellings. The flats are located forward of the established building line, creating a prominent and incongruous development and the development includes unacceptable design detailing. 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 (NPPF), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 4.28 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.
- 4.29 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):
- 4.30 *“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;”*
- 4.31 In terms of overlooking, the windows, openings and balconies facing Crosby Road and Crowstone Road would overlook the public realm and are sufficiently removed from the adjacent dwellings and would not therefore result in any material overlooking or loss of privacy. The rear windows proposed in the main block of flats would be located a minimum of some 14m from the boundary with No.125 Crowstone Road and as such would not result in any material overlooking or loss of privacy to these residents. The rear windows within the proposed houses (excluding the blank windows) would be located a minimum of some 10m from the rear boundaries of the dwellings in Crowstone Road. Given this degree of separation and the length of the existing gardens in Crowstone Road, it is considered that the proposal would not result in any material overlooking or loss of privacy to the occupiers of the adjoining residents in this respect. No first floor northern flank windows are proposed within the houses to the rear of the site and no first floor flank windows are proposed to the detached block of 2 flats and as such the proposal would not result in any material overlooking or loss of privacy to the adjoining residents in Crosby Road. The proposal is therefore policy compliant in this respect and the development would not result in any material overlooking or loss of privacy to the adjoining residents.
- 4.32 In terms of dominance, an overbearing impact and loss of light and outlook, the proposed main block of flats has been designed to ensure the development nearest to No.125 Crosby Road does not extend beyond the rear elevation of this dwelling. The smaller, detached block of 2 flats has similarly been designed to not extend beyond the rear of No.8 Crosby Road. The rows of terraced houses to the rear part of the site are sufficiently removed from the adjoining dwellings. As such it is considered that the proposal would not result in any material harm to the residential amenity of the adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure. The proposal is policy compliant in this respect.
- 4.33 In terms of noise and disturbance, the site is located within a residential area and the proposal to develop the site for residential purposes would not result in any material harm to the adjoining residents in principle. However, it is noted that this

proposal seeks to provide large areas of car parking and an access road immediately adjacent to the private, residential amenity areas of neighbouring residents of 125 Crowstone Road. Whilst an environmental noise assessment has been submitted with the application, this does not consider the impact of the proposal on the adjoining residents. Given the number of parking spaces proposed and the extent of the access road and the locations of the parking and vehicle access adjacent to the private rear garden areas of the adjoining sites it is considered that the proposal would result in material harm to the residential amenity of the adjoining residents in terms of noise and disturbance. It is not at all clear that this issue could be adequately mitigated by the use of conditions in this circumstance. The proposal is therefore contrary to National and Local Planning Policy and is therefore recommended for refusal on this basis.

Standard of Accommodation:

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

4.34 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 sqm
 - 4 bedroom (7 bed spaces) (over 3 storeys) 121sqm
 - 4 bedroom (8 bed spaces) (over 3 storeys) 130 sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm 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.

4.35 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 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.

- 4.36 The Planning Statement submitted states *the development, in the majority, meets these standards described in the Nationally Prescribed Space Standards*. The planning statement indicates that the 1-bed 2-person apartments will measure 50-51sqm, the 2-bed 3-person units will measure 61-70sqmm the 2-bed 4-person units will measure 63-76sqm and the 4-bed 7/8-person houses will measure 123-130sqm. As such, some of the 2-bedroom, 4 person flats will be below the minimum sizes required by the technical housing standards. The proposal is therefore contrary to planning policy in this respect.
- 4.37 In terms of bedroom sizes, it is also noted that some of the bedrooms proposed are of an inadequate size. For example the bedroom serving the 1 bedroom 2-person flat at unit 7 measures only approximately 9.6sqm. The proposal is therefore contrary to planning policy in this respect.
- 4.38 In terms of light, ventilation and outlook, whilst all habitable rooms are provided with windows, concern is raised with regard to the amount of light and outlook some of these rooms within the main block of flats will benefit from. For example, the ground floor south facing windows will be located directly adjacent to a number of parking spaces which in part constitute undercroft parking. Whilst south facing, given that these windows are adjacent the undercroft spaces, it is considered that these habitable rooms would benefit from limited light and outlook. It is also noted that due to the sunken nature of part of the site, some of the northern and eastern habitable windows would receive only limited light and outlook, to the material detriment of the living conditions of the future occupiers of the site.
- 4.39 With regard to the external amenity space, all of the 4-bedroom dwellinghouses proposed will be provided private rear garden areas of a usable size and shape. However, in terms of the flats, no meaningful communal amenity area will be provided, with only 6 of the first floor flats provided with small balcony areas; some of which are extremely small and not particularly useful. The communal outside space proposed is in the form of limited landscaping to the front of the site, rather than usable amenity space. It is therefore considered that the proposal would provide substandard living conditions for the future occupiers of the flats. Whilst the applicant refers to the proximity of the site to Chalkwell Seafront and Chalkwell

Park, in this instance given the lack of amenity space hereby proposed an objection is raised on this basis and the nearby amenities do not justify this harm identified.

- 4.40 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.
- 4.41 In this respect the Planning Statement submitted indicates two ground floor apartments have been designed to accommodate M4(3), both of which have a disabled parking space. The remaining apartments will meet M4(2). However, it is not clear from the plans submitted that all of the units provided would meet these standards. For example the first floor flat within the smaller flatted building fronting Crosby Road does not contain a lift and therefore fails to provide step free access to the flat. An objection is therefore raised on this basis.
- 4.42 The southern part of the site in particular is located in close proximity to a main line railway track. As such, the proposed dwellings may be subject to noise and disturbance from this existing noise source. In this respect, an environmental noise assessment has been submitted with the application which considers the impact of the nearby train line on the occupiers of the development. This document concludes that given the location of the apartments, there would be no significant noise sources affecting the proposed residential apartments. However, with regard to the impact upon the houses to the rear of the site, a number of recommendations are made in relation to glazing and ventilation, which would ensure that internal noise levels in the new dwellings would be acceptable. With regard to the private amenity spaces proposed to the dwellings, the report indicates that the private garden areas will be affected by noise from passing trains, but comments that the close-boarded fences proposed will provide some attenuation, which will result in predicted noise levels being within the maximum recommended levels. The report therefore concludes that the outside amenity spaces proposed for this development would receive acceptable noise levels.
- 4.43 Subject to a condition requiring the development to be undertaken in accordance with the recommendations and conclusions of the environmental noise impact assessment submitted, it is therefore considered that the proposal would provide adequate living conditions for the future occupiers of the site in this respect and no objection is therefore raised on this basis.
- 4.44 No contaminated land assessment has been submitted with this application, however, a condition can be imposed on any grant of consent in this respect.

Highways and Transport Issues:

National Planning Policy Framework (NPPF), Policies 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).

- 4.45 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per 1 and 2 bedroom flat and a minimum of 2 parking spaces per 2+ bedroom dwelling. As such there is a requirement for 20 parking spaces to serve the flats and 12 parking spaces to serve the dwellinghouses proposed.
- 4.46 The parking court proposed to the rear of the flats seeks to provide 22 parking spaces. An additional two parking spaces are proposed within the southern part of the site, to the north of the dwellinghouses and are labelled 'visitor spaces'. The proposed dwellings are each provided with a garage with parking space in front. The garages are of adequate sizes to be classified as parking spaces and as such the parking provisions proposed are acceptable and policy compliant in this regard.
- 4.47 With regard to cycle parking, the plans submitted indicate that the cycle storage will be provided at a ratio of 1 space per flat, with the plans indicating 2 cycle parking spaces will be provided within the garage of each dwelling. The plans submitted indicate that the cycle parking will be secure and covered in accordance with the adopted policy. No objection is therefore raised on this basis.
- 4.48 The Highway Officer has raised no objection to the proposed development, emergency access has been provided with refuse access also considered. Having considered the previous use of the site and comparing the previous trip generation for the previous use to the proposed trip generations as a result of this development, the Highway Officer concludes that the proposal will not have a significant or detrimental impact upon the public highway. However, the Highway Officer has recommended that the applicant provides Travel Packs for the new dwellings to encourage sustainable development.
- 4.49 As such, given the level of parking proposed, and given the positive comments received from the Highway Officer, subject to the requirement to provide Travel Packs the proposal is considered policy compliant in this respect and no objection is therefore raised on this basis.
- 4.50 In terms of refuse facilities, within the ground floor of the block of flats proposed, a secure and covered refuse store will be provided. A size 3 turning head has been provided within the site to enable refuse vehicles to access and turn within the site. Subject to a condition requiring full details of the refuse storage facilities proposed, including the sizes of the containers no objection is therefore raised on this basis.

Trees, Landscaping and Ecology

National Planning Policy Framework (NPPF) and Core Strategy (2007) Policies KP1, KP2 and CP4

- 4.51 There are no tree preservation orders (TPOs) on the site. The application has been submitted with an Arboricultural Impact Assessment which concludes that the development would result in the removal of 9 trees and 1 low-quality group which are all categorised as low quality with the exception of a magnolia tree which is of moderate quality. The report concludes that the visual impact of the removal of these trees is low as the trees are largely less than 7m high and mostly located within the site. The report confirms that the boundary trees will be protected during works by tree protection fencing or ground protection. Given the findings of this report and subject to a condition requiring the development to be undertaken in

accordance with the recommendations and conclusions of this report no objection is raised to the proposal on this basis subject to a conditions requiring a landscaping scheme to ensure adequate, replacements are provided.

- 4.52 The Planning Statement submitted indicates that additional soft landscaping will be provided, details of which can be secure via condition. Subject to a landscaping condition attached to any grant of consent no objection is therefore raised on this basis.
- 4.53 In terms of ecology the application has been submitted with an ecological assessment and a bat survey.
- 4.54 The ecological survey submitted concludes that there was no evidence of badger setts or foraging activity by badgers on the site; however, the report recommends a number of precautionary measures in relation to badgers, such as covering trenches at night. Recommendations are also made in relation to hedgehogs which could be present at the site, but comments that the site has negligible potential for great crested newts and low potential for reptiles. The report also makes recommendations in relation to breeding birds; it is recommended that the areas of scrub and trees are cleared outside the bird-nesting season (March to August inclusive).
- 4.55 The bat survey found no evidence of the presence of bats within the site and concludes that the proposal would not have a detrimental effect on the local bat population.
- 4.56 In this respect, the Council's Environmental and Greenspace Project Officer has commented that the bat survey and ecological survey are both satisfactory in that they are detailed and methodical in their approach and survey techniques and were undertaken by individuals with an appropriate level of experience. However, the Officer makes a number of recommendations in relation to further enhancements for garden birds, bats and hedgehogs and suggests a landscape plan to include a mixed, native-rich hedgerow. Subject to conditions in this respect, no objection is therefore raised on this basis.

Sustainability

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

- 4.57 The application has been submitted with a Sustainability and Energy Report.
- 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 The Sustainability and Energy Report submitted indicates that PV panels will be mounted on the roof which will produce at least 10% of the development's energy demands. Subject to a condition in this respect no objection is 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 The application has been submitted with a SuDS/surface water drainage statement which confirms that the site is located within flood zone 1 and that the development would seek to reduce the surface water discharge rate by around 50% to ensure there is no increased risk of flooding elsewhere as a result of the development. Detailed hydraulic modelling has been carried out which demonstrates that the surface water drainage system can withstand the impact of a 1:100 year rainfall event (including an additional 40% as an allowance for climate change). The report concludes the redevelopment scheme and its occupants will not be at an increased risk of flooding, the redevelopment scheme will not increase the risk of flooding elsewhere and a sustainable drainage scheme can be implemented. The sustainability and energy report submitted indicates that the SuDS strategy includes permeable paving and attenuation tanks to withhold additional surface water caused by a 1:100 year plus 40% climate change rainfall event.
- 4.62 In this respect, the Council's Engineer has commented that the majority of the site is at very low risk of surface water flooding although there is a flow path at high risk of surface water flooding along the southern site boundary. The site is located within a medium groundwater flooding susceptibility zone. However, the Council's Engineer concludes that additional information is required (see Council Engineer's comments below). In this respect it is considered that this additional information could be controlled via condition and as such it is considered that the proposal is acceptable in this respect.
- 4.63 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. In this respect the sustainability and energy report submitted demonstrates that a minimum water use of 105 litres per person per day (excluding external water use) is achievable. Subject to a condition in this respect no objection is raised on this basis.

Other Matters

- 4.64 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

- 4.65 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)

- 4.66 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.”

- 4.67 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).

- 4.68 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.

- 4.69 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.

- 4.70 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).
- 4.71 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.*
- 4.72 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”
- 4.73 In this respect the application was submitted with a viability assessment which sought to demonstrate that the proposed scheme could not provide any affordable housing on the site and sought to provide a financial contribution to affordable housing of £158,553.
- 4.74 However, information received from some Registered providers indicates that there is interest in taking affordable units on this site.
- 4.75 The Council has also had the viability assessment submitted with the application independently reviewed. This independent review concludes that the payment in lieu of on-site affordable housing required for the scheme is £521,212. In this respect, the independent review concludes that the proposed development can viably contribute towards an affordable housing payment of £521, 212 in lieu.
- 4.76 No S106 legal agreement has been completed to secure such a payment and it has not been shown that on site affordable housing cannot be provided. Therefore the proposal would fail to meet the Council’s policies for provision of affordable housing contributions and is unacceptable in this respect and is contrary to the Development Plan in this respect.

- 4.77 In terms of the secondary Education requirements, the Education Officer has confirmed that all secondary schools within acceptable travel distance are oversubscribed. A contribution of £9,042.42 is required to mitigate against the increased demand this development will result in, in this respect.
- 4.78 The proposal is therefore unacceptable and contrary to the Development Plan in this respect as the development would not provide adequate affordable housing contributions and does not provide a contribution towards secondary education to meet the needs generated by the development.

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 results in the unjustified loss of protected green space, 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 development fails to provide adequate living conditions for the future occupiers of the site, has failed to demonstrate compliance with M4(2) 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 (2012)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP7 (Sports, Recreation and Green Space) and CP8 (Dwelling Provision)
- 6.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), 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)
- 6.7 National Technical Housing Standards (2015)

6.8 National Planning Practice Guide (2016)

7 Representation Summary

Sport England

7.1 The proposed development does not fall within either our statutory remit, or non-statutory remit, therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice:

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets paragraph 74 of National Planning Policy Framework, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

London Southend Airport

7.2 Given position and height, the proposal will have no effect upon our operations. We therefore have no safeguarding objections.

Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependent on location may be restricted in height and may also require full coordination with the Airport Authority.

Essex and Suffolk Water

7.3 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.

Council Engineer

7.4 According to the Risk of Flooding from Surface Water mapping, available on the gov.uk website, the majority of the site is at very low risk (<0.1% Annual Exceedance Probability (AEP)) of surface water flooding. There is a flow path at high risk (>3.3% AEP) of surface water flooding along the southern site boundary. The British Geological Survey (BGS) susceptibility to groundwater flooding dataset indicates the site is located within a medium groundwater flooding susceptibility zone. The site is situated within Flood Zone 1 according to the Environment Agency's Flood Risk from Rivers and Seas mapping. The closest waterbody to the site is the tidal estuary of the River Thames approximately 400 metres to the south of the site.

The report references a topographical survey, however this only provides information for the northern section of the development. Furthermore, the applicant needs to demonstrate graphically how surface water flows across the existing site. By providing an indication of proposed site levels this could also demonstrate overland flows of the proposed development and how properties will be

safeguarded in the event of exceedance.

The proposed drainage system consists of permeable paving, geo-cellular attenuation systems and the flow is restricted using a flow control devices. Total storage provide assuming 95% porosity for the geo-cellular tank and 30% for the permeable paving is 128m³ with an overall proposed discharge rate of 6.9l/s. Applicant to demonstrate that drainage strategy aims to discharge at greenfield runoff rate.

Consent to discharge surface water to the existing Anglian Water surface water sewerage system has not been provided. Applicant to provide evidence of consent from Anglian Water to discharge at proposed discharge rate and location.

The report has stated that external drainage systems will be placed under a formal agreement with an independent Maintenance Company to carry out inspections and maintenance works to safeguard the development for the ongoing and future maintenance. The applicant is required to provide further details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development (maintenance plan with actions, schedule and access).

Foul drainage proposals have not been provided within this report, however it is stated that this report refers to flood risk and drainage matters.

It is considered that additional information is required to satisfy planning requirements. Details of the information required include:

- Applicant to provide topographical survey with contours (for the Southern Section of the development), including a demonstrated understanding of how surface water would flow across the site, both pre and post development (for entire development);
- Applicant to demonstrate that the drainage strategy aims to discharge at greenfield runoff rate. It should be noted that recent industry reports indicates, discharge rates of lower than 5 l/s can be achieved using flow control structures. A robust justification to be provided should this be deemed inappropriate for this development;
- Applicant to provide a drawing to indicate how the exceedance flows will be managed and mitigated in the event of a drainage system failure or an event exceeding the 1 in 100 year plus 40% allowance for climate change storm event, for safeguarding properties from flooding;
- Applicant to provide a statement addressing the process for information delivery and community engagement to relevant stakeholders;
- Applicant to provide information with regards to the process for information delivery and community engagement and the system valuation and long term economic viability;
- Applicant to provide evidence of consent from Anglian Water to discharge runoff to the existing surface water sewer system at the proposed discharge rate and location; and
- Applicant to include a foul water drainage strategy. This may have been addressed separately, but this needs to be clarified.

Once these issues have been addressed, appropriately worded conditions can be placed on the permission for the consideration of the surface water drainage strategy during detailed design. These conditions will include provision of further

details on the following, prior to construction, based on our assessment of the current drainage proposals. These are subject to amendment following submission of further information as outlined above;

- Applicant to provide method statement regarding the management of surface water runoff during the construction phase of the project.
- Applicant to provide details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development (maintenance plan).

Traffic and Transportation

- 7.5 36 off street car parking spaces have been provided for the proposal which includes 2 disabled spaces and 4 visitors spaces. 1:1 secure cycle spaces have also been provided.

Access will be taken via a new access in Crosby Road. This access will require a section 278 agreement any relocated street furniture or highway reinstatement will be at the applicant expense.

Emergency access has been provided with refuse access also considered.

Consideration has been given to the previous use of the site when comparing trip generation for the new proposal. The proposal will not have a significant or detrimental impact upon the public highway.

It is recommended that the applicant provides Travel Packs for the new dwelling which should provide accurate travel information and provide incentives to encourage sustainable travel options.

The applicant has provided a comprehensive design and access statement and transport statement which are considered to be robust.

Therefore no highway objections are raised.

Housing

- 7.6 The development is required to provide a minimum of 20% affordable housing which equates to 6 (5.2) units. This can be provided as 6 units of affordable housing or as 5 units and a financial contribution for 0.2 units in accordance with Southend Borough Council's interim affordable housing policy.

The Strategic Housing Team recommends that the affordable housing contribution dwelling mix is as follows:

3 x 1 bedroom flat

3 x 2 bedroom flat

The affordable housing tenure requirement is as follows:

4 x Affordable Rent

2 x Shared Ownership

The submitted viability report has indicated the applicant has failed to garner

interest in the affordable units. However, the Strategic Housing Team has made contact with locally active RP's and determined there are at least 2 providers who are interested in discussing the opportunity (who we have now put in contact with the applicant).

At the time of writing, and taking the aforementioned in mind, it is the Strategic Housing Team's recommendation that affordable housing should be provided on site. However in the event it is evidenced that Registered Providers are not interested in the scheme, we will accept a payment in lieu of affordable housing in line with the Council's Interim Housing Policy, and noting that the assessment of the submitted viability states that the scheme is viable with a full contribution.

Education

- 7.7 This application falls within the school Catchment areas for Barons Court and Milton Hall Primary Schools who share a catchment area. All secondary schools within acceptable travel distance are oversubscribed. An expansion programme is currently underway within all the non-selective schools in Southend and any further development within the area, even flats, will add to this oversubscription. A contribution towards the Secondary expansion of Chase High School of £9.042.42 is therefore requested.

Design Officer

- 7.8 The site is located at the junction of Crowstone Road and Crosby Road. It comprises the plot of the former Crowstone Prep School (originally two detached houses now demolished) the linked playing field and number 6 Crosby Road a detached house.

This area is characterised by large detached family houses and chalets of up to 2 storeys. A few of the houses have roof accommodation but dormers are generally confined to the rear. The buildings are mixed in design but generally traditional in appearance with mainly hips opening up views of the sky between properties. Crowstone Road slopes north to south down to the estuary. Crosby Road has a shallower incline from east to west from the junction. The buildings step down the hillside with regular spacing on a consistent building line. The properties are well detailed and cohesion comes from the consistent scale and placement of development and the use of materials including red brick and white render and red tile roofs with prominent chimneys. Projecting gables and bays add articulation to the buildings and are typical of the area often decorated with timber boarding or hanging tile. The properties are almost all detached and are well spaced with generous frontages which are typically used for parking but also contain significant soft landscaping. The planted verges to the street are a defining feature of this area and, together with the landscaped frontages and open grain of the development, give the area a spacious and Arcadian character.

Whilst there is variation in design and form, the area has a fairly consistent character except for two buildings. On the opposite corner to the north is Sunningdale Court, an attractive Edwardian purpose built flatted block which is richly detailed and which makes a positive contribution to the streetscene but which is rather an anomaly in the area. The other is Britannia Lodge, the 1970s style flatted block to the south of the site at the junction with Britannia Road. This is

a poor quality flat roofed design that has a negative impact in the streetscene. Neither of these buildings should be seen as providing reference for future development in this area. There are some very large more traditional 'houses' opposite the site to the east. These have generally been converted into flats and these are more typical of the larger forms in the area. These buildings have tall storeys with deep planforms. Their scale in the streetscene is offset by their relatively narrow frontages, the separation between the buildings and their deep front gardens.

The proposal seeks to erect 20 flats around the junction and 6 houses on the site of the playing fields to the rear. 18 of the flats are within one large 'L' shaped block which wraps around the junction. 2 additional flats are provided within a separate block adjacent to 8 Crosby Road and which takes the form of a detached house. 6 linked detached houses are provided to the rear of the site with a frontage onto Victory footpath.

The main flatted block is mostly 3 storeys in height stepping down to 2.5 storeys at the edges of the development. It has a pitched roof with a flat top in places. It is set at a consistent floor level across the site which means that the block is dug into the ground at the junction by more than $\frac{1}{2}$ a storey in height (see streetscene plan and sections). This has a significant impact on its relationship with the street at this point as it creates a 'well or void' at the back edge of the footpath meaning that the lower most articulated storey is submerged for a significant part of the frontage. In addition to the 'well' being unsightly and creating a poor and dark outlook for the ground floor residents, this approach is out of character with the streetscene where the houses are all set at ground level and the floor levels step from property to property down the hillside. This element of the proposal is therefore unacceptable in design terms. Any development on this site needs to better respect the land levels and this stepping of development. A range of floor levels following the slope of the land would seem to be the most appropriate option.

In order to offset the overall scale and mass of the flatted block, in addition to digging the building into the ground, the architects have stepped the building down $\frac{1}{2}$ a storey towards the ends of the block and introduce a rhythm of gables to the frontage. Whilst this has helped to articulate the frontage, there is a concern that the scale and massing of this block will still read as significantly greater than the surrounding development and it will appear to dominate the streetscene which is generally characterised by well-spaced detached family housing. The bulk and massing of the main flatted block is therefore considered to be unacceptable. The scale and massing of the building will be further accentuated by the forward building line of the proposal. As noted above the area is characterised by deep planted frontages and the houses are all set on a relatively consistent building line. The proposal in contrast, steps forward of this considerably on both frontages. This aspect of the proposal is therefore also out of character with the area and will accentuate the already significant mass and bulk of the proposal in the streetscene. This aspect of the proposal is also unacceptable.

The scheme has adopted a traditional character and sought to reference key features in the streetscene such as the tiled and boarded gables and casement windows and this is considered to be a valid approach to take but, however well the facades may be detailed, this will not offset the concerns raised above in relation to scale, massing, siting and response to existing ground levels. With

regard to the proposed materials, the facing materials including red/brown brick, white render and the tile hanging draw reference to the area and are considered acceptable, but the substantial grey tile roof is at odds with local character and will again draw attention to the development in the streetscene as being out of place.

It is noted that there is a main entrance facing the street and this is welcomed in principle, however this is set within the well so will not be easily accessed or provide a visible active frontage for the development. The entrance will not therefore provide a focal point for the development in the streetscene.

In terms of layout, as noted above there are concerns that the ground floor flats on the north side will face into the north facing 'well' but on their south side they will face out directly onto parking and under an overhang. It is considered that this will not give rise to a good outlook for future occupiers of these units. It is also noted that there is no amenity provision for the flatted block aside from some very small balconies to a few of the upper floor units and this is again out of character with the area where large gardens are the norm. The lack of amenity provision for the flatted units is therefore also unacceptable.

Access to the some of the first floor units is via deck access which can give rise to concerns relating to useability and privacy between residents. It is also noted that a number of the top floor units are north facing only which will mean that they get no sunlight to habitable rooms.

The car parking is located to the rear where it will be hidden from the street but there is no space for landscaping to soften the outlook for residents and this will be a very unattractive environment.

Overall all these concerns suggest that too many units are sought in this part of the site. As proposed this element of the development would have a detrimental impact on local character and on the quality of environment for future occupiers.

In relation to the other parts of the development, the proposal for the 2 flats in a separate block better relates to the area in terms of scale and form but its forward positioning and lack of amenity is out of character and this needs to be addressed.

The houses to the rear appear to more appropriate in terms of their scale and positioning. The frontage to Victory Path will provide an active frontage to this pedestrian route and is seen as a positive aspect of the proposal. The designs here are traditional and conservative which is an option for this site, but the fenestration designs in particular seem weak. The windows on the public faces at least, should be taller to better relate to the proportions of the dwellings and to local character and the blank windows would be better replaced with actual windows. As noted above the use of grey roofing materials would also seem to be out of character.

The proposal will be required to provide 10% of energy needs from renewables and the roof plan shows a small area of pvs on the main flatted block. This is welcomed in principle but seems small in relation to the scale of development proposed. However, it is noted that there is an extensive south facing roof slope so it is considered that additional PVs could be accommodated without having a detrimental impact on the townscape.

Environmental and Greenspace Project Officer

7.9 I have considered the Bat Survey and the Phase 1 Ecological survey and have the following comments:

- 1) Both reports are satisfactory in that they are detailed and methodical in their approach and survey techniques and were undertaken by individuals with an appropriate level of experience.
- 2) The recommendation in the Eco report for swift boxes to be integrated into the fabric of the building is inappropriate for the site. Either an additional sparrow terrace or a starling box would be appropriate alternatives and should be incorporated into the fabric of the buildings.
- 3) The ecological report does not clarify the number of integrated bird boxes to be used. In order to mitigate the loss of bird nesting habitat, the ecologist must state a number of boxes to be used and their location and orientation within the building designs. Based on the report, I would recommend that the proposals include 3 house sparrow terraces and 3 starling boxes in total, spread across the development site and incorporated within the fabric of the structures to be built. These should be located away from each other and should be in an area with immediate access to the hedgerow corridors in order to encourage uptake. The boxes should be on walls not facing the prevailing wind (e.g. not on a south-westerly facing). The ecologist should provide further details on placement and numbers based on their site visit and the results of the desk study.
- 4) A re-assessment of the site for garden birds, or an additional chapter of the report addressing Garden Birds, might affect the ecological recommendations for mitigation and enhancement.
- 5) Further enhancements addressing bats and hedgehogs should be incorporated, such as the installation of bat bricks within the fabric of the buildings or the provision of at least one hedgehog habitat box. The habitats on the site are of value to hedgehogs and bats, so a hedgehog habitat box placed within the hedgerow would be an appropriate enhancement, as would bat roosting features. More information should be supplied by the ecologists regarding number of recommended boxes and their locations within the proposals.
- 6) The ecologist has not stated the planting mix of the hedgerow. The planted hedgerows should be of at least a double-width and use a native species-rich mix (therefore, 5+ species in each hedgerow).
- 7) A landscape plan needs to be submitted for approval.

8 Public Consultation

8.1 A site notice was displayed, the application was advertised in the press and 42 neighbour letters were sent out.

8.2 46 letters of objection have been received which make the following summarised comments:

- Concerns relating to the loss of the protected green space/open space/green belt/sports ground contrary to Local Plan Policies and impact health and well-being and sets precedent for adjoining tennis courts. The area is already deficient in open spaces and the open space is not being replaced.

[Officer comment: The site constitutes protected green space, not Green Belt]

- Inadequate parking, inadequate visitor parking, causing increased on-street parking, already on-street parking stress and increase traffic in area. Area suffers from commuter, care home employees, tennis club members, church goers and seafront visitors parking. Loss of on-street parking.
- Concerns relating to access; close to junction and highway and pedestrian safety concerns. Concerns relating to refuse and emergency vehicles accessing the site. Concerns relating to access being from Crosby Road.
- Crosby Road is used as a through road/rat-run and already congested and busy. Concerned emergency vehicles and heavy vehicles can pass along the road.
- Design concerns, including concerns relating to scale, mass, size; width, length and height proposed and forward projection of flats beyond the building line. Out of character, dominant and imposing and out of keeping with the area. Previous school buildings were attractive buildings. Apartment block will dominate the locality. Flat roof and first floor access corridor are poor design. Lack of space between flats and neighbours/site boundaries. Houses at rear are not in-keeping with the layout of the area or the scale of the area. There are no other terraced houses in the area and the gardens proposed for the houses are not consistent with the existing grain. Too many flats in the area already.
- Demolition of 6 Crosby Road will disrupt the streetscene and character of the road. Loss of traditional housing stock. Garden to No.6 is not brownfield land. Is 'garden grabbing'.
- Impact amenities of neighbours; Overcrowding, overshadowing, overlooking and loss of privacy, harm enjoyment of my home and quality of life and loss of light and sunlight
- Overdevelopment.
- Flooding and drainage concerns. Field floods. Crosby Road floods. Basements, bungalows and conservatories have flooded. Surface water problems in the area and building on the grassland will increase the risk of flooding. Drainage systems cannot cope with current demand. Did not consult Anglian Water.
- Poor living conditions for future occupiers: Railway would have harmful impact on the living conditions of the future occupiers, lack of green space around the flats and lack of amenity space for the flats and poor outlook to occupiers of flats due to parking layout and some flats do not satisfy space standards.
- Density too high within a low density area and is town cramming.
- Inaccuracies in submission
- The Council does not have a lack of housing land supply.
- Increased noise levels from more people, families and cars.
- Concerns relating to new road located adjacent to dwellings – with properties now surrounded by roads causing noise and emission and impact privacy and health.
- No daylight and sunlight report submitted
- Loss of views – there are no three storey buildings on the south side of the east-west roads in the area.
- Is not sustainable.
- Lack of infrastructure including doctors and schools

- Impact on trees
- Concerns relating to loss of natural habitat and its impact on wildlife including badgers
- Lack of refuse storage.
- No connection between school and grassland area
- Concerned will impact on ability to use garages
- No right to cross the application site land.
- Would negatively impact air quality.
- Light pollution.
- Concerned ecological survey is inadequate
- Ground stability and subsidence concerns.
- Loss of quiet enjoyment of garden amenities contrary to Human Rights.
- No schools near the site
- Lack of community involvement from developer.
- No affordable housing or key workers housing.
- Concerned that 60% of development is on greenfield site – contrary to Policy CP8. Rear site and garden of No.6 Crosby Road are not previously developed land.

[Officer Comment: Policy CP8 seeks the provision of 80% residential development on brownfield land across the Borough, rather than bring a site specific target]

- Noise and disruption
- No bus stops in Crowstone Road/near the site – a car is vital in this location.
- Lack of neighbour consultation and insufficient time to respond.
- School buildings already demolished which is an eyesore.
- Covenants restricting building line and number of dwellings on site and use of playing field.

[Officer Comment: Covenants are not material planning considerations]

- Negative impact on peaceful neighbourhood. Adversely impact quiet peaceful walk on Victory path.
- Unlikely to be able to provide 10% of site's energy from renewables.
- Health and safety concerns.
- Existing buildings could have been converted.
- Contrary to National and Local Planning Policy
- Loss of property values.

8.3

A petition has also been submitted which includes 50 signatures for the following summarised comments:

- Overdevelopment
- Not consistent with the urban grain
- Rear of site is protected green space
- Detrimental to neighbouring properties and their amenity space.
- Impact on wildlife.
- Precedent for further development of protected green space.
- Flats are not consistent with existing streetscene.
- Parking concerns
- Lack of amenity
- Vehicular access/egress and highway safety concerns, including for emergency vehicles

- Further parking stress and harm highway safety by increasing on street parking.
- 3-storey scale is out of keeping
- Existing drainage and flooding issues, which this proposal will worsen.
- Out of character and harmful to the character and appearance of the area and the amenities of the surrounding occupiers.

8.4 This application was called in to the Development Control Committee by Cllr Burzotta, but also needed to be determined by the Development Control Committee due to the application constituting a major development.

9 Relevant Planning History

9.1 17/00938/DEM – Demolish former prep school and associated buildings (application for prior approval for demolition) – prior approval is required and prior approval is granted.

10 Recommendation

Members are recommended to:

REFUSE PLANNING PERMISSION for the following reasons:

- 01 The south-western part of the application site constitutes designated protected green space which would be lost as a result of this development. The application has failed to clearly demonstrate that the open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility to replace the space lost. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policies KP2 and CP7 of the Core Strategy (2007).**
- 02 The proposal would, by reason of its size, scale, bulk, mass, siting beyond the established building line and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and 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).**
- 03 By virtue of the design, layout and siting of the car parking and access road proposed within the site, the development would result in unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of the neighbouring dwelling at No.125 Crowstone Road. 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** A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of their inadequate size in terms of internal floorspace and bedroom size, the insufficient outside amenity areas proposed and the poor levels of light and outlook provided to habitable rooms. 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 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. 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).
- 06** The submission does not clearly demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community in accordance with the requirements of the M4(2) 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).

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.