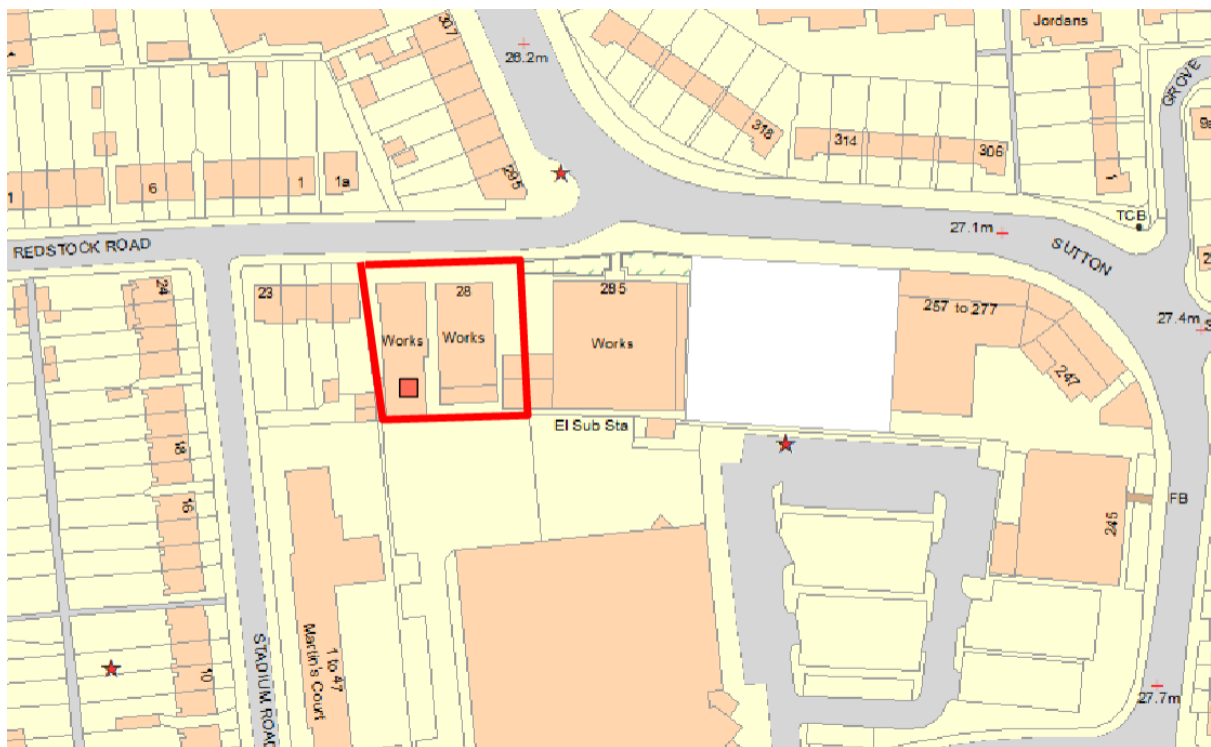


Reference:	18/00372/OUTM	
Ward:	Victoria	
Proposal:	Demolish existing buildings and erect a part 3, part 4 storey block, comprising 20 apartments with associated parking and amenity space, and form vehicular access onto Redstock Road	
Address:	27 Redstock Road, Southend-on-Sea, Essex, SS2 5DJ	
Applicant:	Mr Chris Morris	
Agent:	Marcus Bennett Associates	
Consultation Expiry:	19.04.2018	
Expiry Date:	20.07.2018	
Case Officer:	Charlotte White	
Plan Nos:	RRSOS17/01, RRSOS17/02, RRSOS17/03, RRSOS17/04, RRSOS17/05, RRSOS17/06, RRSOS17/07, RRSOS17/08	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

1.1 Outline planning permission is sought to demolish the existing buildings on the site and to construct a part 3, part 4 storey block of 20 flats on the site. The application includes details of access, appearance, layout and scale, with landscaping constituting a reserved matter for later consideration. Vehicular access would be gained from Redstock Road with 20 parking spaces provided to the rear of the site at ground floor level. A raised amenity deck is proposed at first floor level to provide communal outside amenity space for the residents.

1.2 The details of the scheme are summarised as follows:

Units	13 x 1 bedroom flats (sizes ranging from 50sqm to 52.28sqm) 7 x 2 bedroom flats (sizes ranging from 61.4sqm to 79.6sqm)
Parking	20 parking spaces and a motorbike parking area
Amenity space	Ground floor amenity space measuring some 22.6sqm (for the ground floor flat) and a raised first floor communal amenity deck measuring some 328.7sqm. Some of the flats also have access to private balconies ranging from 4.4sqm to 7.72sqm.
Height (max)	3 to 4 storeys with a maximum height from the front elevation of some 12.1m (including the lift over-run)
Width (max)	Approximately 28.3m
Depth (max)	Approximately 35.1m (including the first floor raised deck proposed)

1.3 The floors will include:

- Ground floor: 1x 2-bed flat, refuse and cycle store, meter boxes, maintenance store, 20 parking spaces and a motorbike parking area.
- First floor: 5x 1-bed flats and 2x 2-bed flats.
- Second floor: 5x 1-bed flats and 2x 2-bed flats.
- Third floor: 3x 1-bed flats and 2x 2-bed flats.

1.4 A private amenity space measuring some 22.6sqm is proposed on the ground floor, adjacent to and serving the ground floor flat, with the ground floor flat having direct access to this space. A first floor raised communal amenity deck is proposed above the parking spaces proposed which measures some 328.7sqm.

1.5 Parking is proposed at ground floor level, to the rear of the site which is accessed through the building with a gate set back from the front of the building. 20 parking spaces are proposed in total with an area of motorbike parking provided. Covered and secure cycle parking is proposed at ground floor level which is accessed internally and from the front elevation.

The entrance and bin and cycle store is access via a ramp, however, there are 2 steps leading to this ramp from the streetscene.

- 1.6 The application is accompanied by a design and access statement.

2 Site and Surroundings

- 2.1 The application site is located on the southern side of Redstock Road and is currently occupied by a disused two-storey commercial premises which is in a poor state of repair. The information contained with the application indicates that the commercial premises is redundant following a fire in the warehouse and the previous use of the site was the business premises for C&B Services, a producer and distributor for specialist plaster and timber.
- 2.2 To the immediate west of the site is a row of two-storey terraced houses. To the immediate east of the site is a block of residential flats and the wing closest to the application site is 3-storeys in nature, but the scale increases further to the east. To the rear of the site are commercial premises within the Greyhound retail park. The site slopes down from east to west.
- 2.3 The wider area is mixed in character with residential houses and flats and commercial premises.
- 2.4 The site is not located within an area with any specific planning allocation. It is not specifically allocated for employment purposes within the proposals map. The site is located within the Sutton Gateway Neighbourhood Policy Area within the Southend Central Area Action Plan (SCAAP).

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of the 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 (2012); Core Strategy (2007) Policies KP1, KP2, CP1, CP4, CP8; Development Management Document Policies DM1, DM3, DM7, DM8, DM10, DM11, DM14 and DM15, Southend Central Area Action Plan (SCAAP) (2018) Policies DS1, DS4, DS5 and PA9 and the Design and Townscape Guide (2009)

Loss of Employment

- 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 was last used for commercial, employment uses and as such this paragraph of the NPPF is considered relevant.
- 4.2 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. Policy KP2 of the Core Strategy requires all new development to make the best use of previously developed land; to ensure sites and buildings are put to best use.
- 4.3 Development Management Document (2007) Policy DM11 states outside the employment areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes or use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use of mix of uses will give greater potential benefits to the community and environment than continued employment use.
- 4.4 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.
- 4.5 The application is accompanied by a Design and Access Statement which states that the site previously had planning permission granted for alternative schemes and the principle of the change of use to residential has already been agreed by Southend Borough Council on several occasions. It is also stated that with the adjoining flats complete, the site is on its own as a light industrial plot and is therefore at odds with its neighbours. The site was previously used by C&B Technical Services which provided for the needs of traditional plaster, however, a fire in 2011 caused the business to close and there is no currently employment on the land.

- 4.6 The information submitted within the Design and Access Statement to justify the loss of the employment site is limited; however, it does identify the key constraint of the site; which is its location adjacent to a number of residential dwellings. The existing use has the potential to be unneighbourly and its loss would have environmental benefits in this respect. It is also noted that in 2008 Members resolved to grant planning permission to redevelop this site to provide 15 flats, albeit this permission was never issued as the Section 106 Legal Agreement was never finalised and it is noted that outline permission was previously allowed at appeal under reference 00/00584/OUT to redevelop the site for residential purposes, which was subsequently renewed under reference 04/00614/OUT, although never implemented.
- 4.7 As such, in this instance, taking into account the information submitted, the planning history of the site and the location of the site, which is located close to residential dwellings which could potentially be affected by the continued commercial use of the site, no objection is raised in principle to the loss of the employment use on the site.

Principle of Residential Development

- 4.8 Amongst other policies to support sustainable development, the NPPF requires Local Planning Authorities (LPAs) to boost the supply of housing by delivering a wide choice of high quality homes.
- 4.9 Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 4.10 Policy DM3 of the Development Management Document promotes *“the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*
- 4.11 The proposal seeks to re-use a previously developed site and would provide additional housing which will help meet the Council’s housing needs. There are surrounding residential developments, including a recent flatted development to the east of the site. As such there is no objection to the principle of developing the site for residential purposes, subject to more detailed considerations, such as the impact on the character and appearance of the area and the surrounding neighbours as discussed below. It is also noted that the principle of a residential development on this site has already been considered acceptable (see planning history section below).
- 4.12 As such the principle of the loss of the employment use and development of the site for residential purposes is considered acceptable and policy compliant.

Dwelling Mix

- 4.13 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	65%	35%	0%	0%

- 4.14 The development would result in 13 x 1-bed units and 7x 2-bed units and therefore fails to provide an adequate mix of dwellings that would meet the housing needs of the Borough. There is no justification and reasoning as to why a more appropriate mix of dwelling sizes could not be provided on the site. The development is therefore contrary to Policy DM7 of the Development Management Document and is contrary to the NPPF which states that planning should deliver a wide choice of high quality homes, widen opportunities for home ownership and create suitable, inclusive and mixed communities (paragraph 50).

Design and Impact on the Character of the Area

The National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3, SCAAP (2018) Policy PA9 and the Design and Townscape Guide (2009).

- 4.15 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.
- 4.16 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.”*

- 4.17 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.
- 4.18 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”.*
- 4.19 The immediate area in Redstock Road has a residential character, characterised predominantly by terraced and semi-detached two storey traditional houses with consistent building lines and consistent massing. The site is located close to Sutton Road which constitutes a main thoroughfare and as such has larger and more prominent buildings. This site provides a transition from the larger flatted development to the east of the site fronting Sutton Road and the more modest residential terrace to the west of the site in Redstock Road.
- 4.20 In terms of scale, the development has been designed to be three-storeys adjacent to the two-storey terraced dwelling-houses to the west, increasing to four storeys adjacent to the larger block of flats to the east. However, the development by virtue of its overall size, scale, bulk, mass, siting and design which have taken reference from the adjoining block of flats, rather than the adjoining terraced houses would appear bulky and incongruous in the area. The bulk of the development is also increased by virtue of the forward position of the development beyond the established building line of the terraced properties to the west. The scale of the four storey element adjacent to the adjoining flats to the east is also a concern and fails to reference the topography of the area and the lesser status of the application site compared to the development to the east, fronting Sutton Road. The proposal would therefore appear over dominant in the streetscene. As such, the size, scale, bulk, mass and siting of the development is considered unacceptable and the development is contrary to planning policy in this respect.
- 4.21 Concern is also raised in terms of the design and appearance of the development. The ground floor front elevation is poorly designed with little active frontage with a large void for vehicular access which is an unacceptable design feature. The main entrance is also largely screened and the ground floor frontage includes an unattractive entrance to the cycle and bin store, which constitutes poor design. Flat 1 is also provided with a poor access which is located adjacent to the vehicle access and parking spaces proposed. The proposal also includes unacceptable design detailing including the front boundary wall which would appear incongruous in the streetscene and is a harsh area of dead frontage. The fenestration fails to provide any design interest and the materials proposed are not in-keeping with the surrounding area.

The flank elevations are bulky and include little design interest which is unacceptable, given that the western elevation will be highly prominent given its forward projection and greater scale than the adjoining dwellings to the west and would be visible from Stadium Road to the west.

- 4.22 In terms of landscaping, whilst it is noted that landscaping is a reserved matter, there is very limited scope for landscaping at this site, with only a small area of soft landscaping proposed to the front of the site, in front of Flat 1, which is a poor design feature which also weighs against the development.
- 4.23 As such, whilst it is noted that the existing site and use is of a poor quality design and character, this does not justify the poor design hereby proposed. The proposed development is contrived and constitutes the overdevelopment of the site. The proposal is of an unacceptable size, scale and mass and would be unduly bulky and prominent by virtue of its forward position. The proposal includes unacceptable design detailing, provided inadequate opportunities for soft landscaping and the appearance of the development would be incongruous in the area, resulting in significant harm to the character and appearance of the area. The proposal is contrary to planning policy in this respect and is therefore recommended for refusal on this basis.

Impact on Residential Amenity.

National Planning Policy Framework (2012); 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 dominance and an overbearing impact, the development has been designed to step away from the terraced dwellings to the west with the depth of the development increasing as the development steps away from No.26 Redstock Road to the west. However, the development would at its closest point to No.26, extend some 3.9m beyond the rear wall of No.26.

Whilst a gap of some 2.8m will be provided between the flank walls of the proposal and No.26, given the three storey scale of this part of the proposal, it is considered that the development would result in material harm to the residential amenities of No.26 in terms of dominance and an overbearing impact. The proposal also includes a large first floor rear amenity deck, which would require privacy screens to both sides. Whilst the amenity deck is set in from the western boundary of the site given its size and depth; which would extent the entire depth of the rear garden of No.26, it is considered that this part of the proposal would also result in material harm to No.26 in terms of appearing dominant and resulting in an unacceptable, material sense of enclosure. Whilst it is noted that the existing buildings on the site extend significantly back in the plot and are of a large scale, and whilst it is noted that planning permission was previously granted on this site, it is not considered that this justifies the harm that will result from this development. This proposal is materially different to the previous proposal which Committee resolved to approve under reference 08/01391/OUTM in terms of its size and the provision of a raised amenity deck.

- 4.28 By virtue of the forward siting of the development, the proposal would also extend some 2.3m beyond the front of No.26 to the west and given this orientation and the scale of the proposal would also reduce the light and outlook to the frontage of No.26 Redstock Road, which also weighs against the development.
- 4.29 To the east of the site is a large flatted development; however the proposed development has a similar depth to this adjoining development and has been designed to step away from the flats to the east. The existing flats to the east have a similar raised deck amenity area with privacy screens. As such it is considered that the proposal would not result in any material harm to the adjoining residents to the east in terms of dominance, an overbearing impact, loss of light and outlook or a materials sense of enclosure.
- 4.30 The development is sufficiently removed from any residential units to the front and rear of the site and would not therefore result in any material harm in terms of dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure in this respect.
- 4.31 In terms of overlooking, the side windows proposed serve as secondary windows to living/kitchen spaces, a communal landing or bathrooms and as such can be conditioned to be obscure glazed with limited openings to prevent any material overlooking or loss of privacy in this respect. However, the main kitchen/living space windows and balconies serving flats 5, 12 and 17 front No.26 Redstock Road and could not be conditioned in this respect. However, this fenestration to flat 5 would be screened by the amenity deck privacy screen required and unit 12 and 17 could be screened in this respect with the imposition of a condition requiring privacy screens to the western edge of the balconies proposed. Subject to such conditions it is considered that the flank windows proposal would not result in any material overlooking or loss of privacy.

- 4.32 In this respect, the front and rear windows are sufficiently removed from any adjoining residential units so as to result in no material overlooking or loss of privacy. In terms of the raised amenity deck proposed, a condition can be attached to any grant of consent requiring 1.8m high privacy screens to the side elevations of this structure to prevent any material overlooking or loss of privacy in this respect.
- 4.33 As such, whilst it is considered that the imposition of conditions would prevent any material harm to the adjoining residents in terms of overlooking and loss of privacy, given the scale and size of the development it is considered that the proposal would result in material harm to the residential amenity of No.26 Redstock Road in terms of dominance and an overbearing impact. The proposal is therefore unacceptable and contrary to the development plan in this respect.
- 4.34 In terms of noise and disturbance, the use of the site for 20 residential flats would not harm the residential amenity of the adjoining residents in this respect, especially considering the previous use of the site constituted a commercial premises.

Standard of Accommodation:

National Planning Policy Framework (2012); 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).

- 4.35 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) 70sqm
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

4.36 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.37 All of the flats hereby proposed are of adequate sizes that satisfy the minimum size requirements set out in the Technical Housing Standards. All of the bedrooms proposed are also of acceptable sizes and all the flats have been provided with dedicated, built-in storage. The proposal therefore provided adequate living conditions for the future occupiers of the site and is policy compliant in this respect.

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

4.39 With regards to the external amenity space proposed, a communal first floor amenity deck is provided, measuring some 328.7sqm which flats 4, 5, 6 and 7 have direct access to. Flat 1 on the ground floor has a private garden area measuring some 22.6sqm and flats 2, 3, 8, 9, 10, 12, 14, 15, 16, 17, 19 and 20 have private balconies ranging from 4.4sqm to 7.72sqm. As such, it is considered that sufficient outside amenity space will be provided for the future occupiers of the development. The proposal is therefore policy compliant in this respect.

4.40 However, concern is raised that the raised amenity deck would result in substandard living conditions for some of the flats proposed due to close proximity of the communal area to habitable rooms within flats 4, 5, 6 and 7, resulting in poor living conditions for the future occupiers of these units. There is one access to the amenity deck which would result in all occupiers walking within very close proximity of the habitable rooms; 2 bedrooms and the living room to flat 7 which would result in poor and substandard living conditions for these occupiers and an objection is raised on this basis.

- 4.41 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.
- 4.42 Whilst the application includes the provision of a lift, the applicant has failed to confirm that the development would be built to comply with Building Regulations Standards M4(2). Furthermore, the development constitutes a major development and no information has been submitted to indicate that 10% of the dwellings would be built to be wheelchair accessible (M4(3)) standard, contrary to Policy DM8 of the Development Management Policy. In this respect, whilst there is a ramp provided to the entrance and bin and cycle store, this ramp is accessed from Redstock Road by 2 steps, which is unacceptable and would not provide adequate access to the entire community. An objection is therefore raised on this basis.
- 4.43 With regard to refuse and cycle storage, the submitted plans indicate that a secure and covered cycle and refuse store will be provided on the ground floor of the development. In this respect the Design and Access Statement submitted comments that the store would accommodate a minimum of 20 bicycles with cycle racks utilising a vertical storage system. The covered and secure cycle parking submitted is therefore considered adequate and policy compliant and no objection is therefore raised on this basis. In terms of refuse storage, the Design and Access Statement indicates that separate bins will be provided for household waste and recyclable materials, but limited further information has been provided in this respect. A condition can be imposed on any grant of consent in this regard. However, concern is raised that the cycle and refuse store will only be accessed from Redstock Road via a small set of steps, which would fail to provide access to the entire community, which is unacceptable.
- 4.44 The application has not been submitted with a noise impact assessment. The site is located close to Sutton Road which is a busy road with high traffic noise and to the rear of the site is a commercial delivery yard. As such it is considered necessary and reasonable to require the submission of a noise impact assessment. It is also noted that the Environmental Health Team (EHT) have recommended a condition requiring an acoustic assessment. Subject to a condition in this respect, no objection is therefore raised on this basis.

Highways and Transport Issues:

National Planning Policy Framework (2012); Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15, SCAAP (2018) Policy DS5 and the Design and Townscape Guide (2009).

- 4.45 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 20 spaces. The proposed development will provide 20 parking spaces to the rear of site and will provide 20 covered and secure cycle parking spaces.

- 4.46 In this respect, the Highways Team has raised no objection to the proposal, commenting that 100% car and cycle parking is being provided with additional motorcycle parking and refuse storage has been provided and has capacity to meet the waste policy. Given the previous use of the site and the traffic movements associated with that use, the proposal would have no impact upon the public highway. However, as stated above concern is raised that level access is not provide to the cycle and refuse store proposed which is unacceptable.
- 4.47 As such, it is considered that the development would provide adequate parking and cycle parking facilities and would have no adverse impact upon highway safety. The proposal is therefore policy compliant in this respect and no objection is raised on this basis, subject to conditions requiring the reconfiguration of the dropped kerbs serving the site.

Sustainability

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2, SCAAP (2018) Policy DS4 and the Design and Townscape Guide (2009).

- 4.48 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.
- 4.49 The information contained within the Design and Access Statement submitted indicates that the large areas of flat roof could be used to accommodate photovoltaic panels. Subject to a condition in this respect no objection is therefore raised on this basis.
- 4.50 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 Design and Access Statement submitted indicated that grey water systems will be used but no other details in this respect have been submitted at this time. However, this could be dealt with by condition if the application is deemed acceptable.
- 4.51 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 and Policy DS4 of the SCAAP states that *‘for all new development, the Council will require new impermeable areas to be drained via SuDS. This will ensure the risk of surface water flooding is not increased onsite or elsewhere.’*

- 4.52 The information submitted with the application indicates soakaways and grey water systems will be utilised which will be an improvement over and above the existing situation. Subject to a condition requiring full details in this respect no objection is therefore raised on this basis.

Contamination

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2 and CP5 and Development Management Document (2015) Policy DM14

- 4.53 In terms of contamination, no contaminated land report has been submitted with this application. In this respect the Design and Access Statement submitted states: *‘Whilst chemicals were previously stored on site, these were kept in unopened containers...having conducted a walkover survey of the building and its outside spaces, it is not envisaged that the site will have been contaminated, or that materials removed from site during the process of demolition and excavation of the existing site will need specialist consideration to be made for their disposal and/or subsequent treatment of the site for contamination.’* In this respect, the Environmental Health Team (EHT) has commented that the site is classed as being potentially contaminated land and recommends conditions in this respect. Given the previous use of the site, such conditions are considered necessary and reasonable. Subject to such conditions no objection is therefore raised on this basis.

Community Infrastructure Levy

- 4.54 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)

- 4.55 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.”

- 4.56 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).

4.57 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.

4.58 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.

4.59 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).

4.60 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.

- 4.61 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.”
- 4.62 The Design and Access Statement submitted states that there is a need for an increased number of units over and above the previous permission to increase the financial viability of developing the site. The Statement goes on to state that the development site is located within an area where house prices are lower than house prices across the Borough as a whole. The cost of development has risen and has impacted upon the viability of adhering to the policy of 20% affordable housing. The Design and Access Statement also refers to the adjoining development where an appeal was made against this provision and the Design and Access Statement concludes that ‘...*after costing analysis, it is unlikely that providing affordable housing, when taking into account the normal cost of development and mitigation, will provide competitive returns to the applicant/the owner*’. However, no viability assessment has been submitted to support this view and the Council is yet to receive any Heads of Terms.
- 4.63 The clear preference in terms of affordable housing provision in this instance would be for 20% of the dwellings on-site to be affordable. In this regard, the development of 20 flats would require the provision of 4 affordable units. The Housing Department has commented that based on the need of Southend, this development would need to provide 2x 1-bedroom units and 2x 2-bedroom units with 2 of the units constituting affordable rent and 2 units constituting shared ownership.
- 4.64 In terms of secondary education requirements, the Council’s Education Department has confirmed that both secondary schools within the catchment area of this site have capacity to offer places in most year groups and as such there is no requirement for a contribution in this respect.
- 4.65 As stated above, no Heads of Terms were submitted with the application and no S106 Legal Agreement has been completed to date. In the absence of a formal undertaking to secure appropriate contributions to affordable housing 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. This is unacceptable and contrary to the NPPF and Policies KP3, CP6 and CP8 of the Core Strategy and an objection is therefore raised on this basis.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development does not constitute sustainable development, is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The proposed development constitutes an unacceptable mix of dwellings, 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 at No.26 Redstock Road.

The raised amenity deck would result in poor living conditions for the occupiers of Flats 4, 5, 6 and 7. Insufficient information has been provided to confirm the development would comply with the M4(2) and M4(3) accessibility standards and there is a stepped access to the main entrance and cycle and refuse store. No Section 106 legal agreement has been completed to date to secure appropriate contributions for affordable housing. The scheme therefore fails to provide affordable housing to meet local needs.

- 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); 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 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), Policy DM10 (Employment Sectors), Policy DM11 (Employment Areas), Policy DM14 (Environmental Protection) and Policy DM15 (Sustainable Transport Management)

6.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS4 (Flood Risk Management and Sustainable Drainage, Policy DS5 (Transport, Access and Public Realm) and Policy PA9 (Sutton Gateway Neighbourhood Policy Area Development Principles).

6.5 Design & Townscape Guide (2009)

6.6 Planning Obligations (2010)

6.7 Community Infrastructure Levy Charging Schedule (2015)

7 Representation Summary

Anglia Water

7.1 There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

The sewerage system at present has available capacity for these flows.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Would request a condition requiring a drainage strategy covering the issue(s) to be agreed:

CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

Crime Prevention Tactical Adviser

- 7.2 There is no reference to physical security and safety issues as recommended by Sections 58 & 69 National Planning Policy Framework in the design and access statement. This is also recommended in Southend's Core Strategy. Paragraph 2.10 states that the Borough Council places a high priority on doing all they can to reduce crime and that this extends to the wider community. Paragraph 8.8 states that one of Southend's key objectives is to reduce the fear of crime.

[Officer comment: It is recommended that the developer contacts Essex Policy Crime Prevention Officer when considering any further applications on this site.]

Traffic and Transportation

- 7.3 There are no highway objections to this proposal 100% car/cycle parking has been provided with additional motorcycle parking. Refuse storage has been provided and has capacity to meet the waste policy.

Consideration has been given to the previous use of the site and the traffic movements associated with that use. The proposed use will not have a detrimental impact upon the public highway.

The applicant will be required to reinstate any disused vehicle crossover as part of the new vehicle access to the site this will need to be carried out under licence by the Council's approved contractor.

Housing

- 7.4 4 affordable housing units are required on this scheme. 2x 1 bedroom flats and 2x 2 bedroom flats should be provided with a tenure split of 2x affordable rent and 2x shared ownership.

The current scheme design is not conducive to affordable housing inclusion and management. It is our understanding that RP's will prefer to have separate access to any affordable units, or failing that, being able to contain the affordable element to one floor. The current design doesn't lend itself to these options.

Therefore we recommend getting in contact with locally active registered providers to understand their needs, particularly around scheme design with affordable housing management in mind. Moreover some RP's may be interested in purchasing additional units which may negate some of the design concerns.

Education

- 7.5 This school falls within the catchment areas of Bournemouth Park Primary and Cecil Jones Academy. Both schools are able to offer places in most year groups at present and a contribution would not be requested on S106.

Environmental Health

- 7.6 This development proposal places dwellings adjacent to Sutton Road where road traffic noise levels are known to be high. In addition, the rear of the development faces the delivery yard for commercial premises and there are opening windows and door proposed for all elevations. No noise assessment has been carried out to assess existing noise levels and any mitigation measures necessary to in order to ensure satisfactory internal noise levels for future residents. The noise assessment should assess any mechanical ventilation equipment or plant associated with the new development.

No details on external lighting for the development have been submitted. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into nearby residential properties.

The site is also classed as being potentially contaminated land. This issue needs to be addressed.

Environmental Health therefore recommend conditions relating to contamination, asbestos surveys, acoustic assessment, plant noise levels, external lighting, construction hours and preventing the burning of waste materials on the site.

Design

- 7.7
- The site can be seen from Sutton Road, but is clearly fronting onto a more secondary street and as such it does not have the same status or prominence as the sites in Sutton Road.
 - Its primary context remains the terraces houses to the west and opposite, although it could be argued that it marks the transition between the two character areas.
 - Redstock Road has a distinctly more domestic scale comprising mainly of semi-detached properties and short terraces of two storey traditional houses on a consistent building line and with a consistent mass formed by the groupings of the building.
 - It is also noted that the site has a distinct gradient sloping east west away from Sutton Road, this will present a challenge especially at ground level.
 - As a site on the edge of two character areas the proposal should seek to provide a comfortable transition in the streetscene between the houses to the west and the flatted block to the east. To achieve this the proposal should have regard to both characters including in terms of scale, bulk and layout.

- There is no objection in principle to a modern flat roof design in this location provided that it has a positive relationship to the more domestic character to the west and opposite.
- In order to achieve this the scale, bulk and building line should be carefully considered. It seems that the proposal has taken all its references from the larger block to the east and fails to have due regard for the housing to the west where the consistency of scale and building line are a characteristic of the street. The proposal is more forward and higher here and it is considered that the proposal would appear over dominant in this streetscene.
- It is noted that the development steps down to the west side but this section will still appear bulky in the streetscene especially as it projects forward of the houses. It is considered that any proposal should have greater regard for the building line of the houses and include a greater degree of stepping or separation to the west side. A stepped building line may be an option. Setting an external vehicular access to the west side may also provide a more distinct separation in the streetscene between the two characters. (This would also enable a reduced impact on the amenities of the neighbour in relation to the raised amenity deck.)
- The proposal has sought to continue the front boundary wall of the adjacent flatted block as the boundary at the eastern end. Whilst the reference is noted, the level change here will result in a very tall, austere and dead frontage to the street in this location and this is inappropriate. It is also considered that the use of dark brick to the plinth will accentuate this element of the proposal making it appear less integrated in the streetscene and unwelcoming. It is considered that the proposal should step down from the neighbour to the east to better reference the topography of the area and the lesser status of the site.
- There are also concerns with the treatment of the ground floor which has little active frontage in relation to its length. This will not provide an active and attractive streetscene at ground level.
- In terms of appearance the fenestration is rather uninspiring and the use of yellow brick and grey cladding has no reference to local character.
- The flanks have little interest. There is a concern that the bulk of the western flank will be particularly evident in the streetscene.
- Overall the proposal has not demonstrated that it is possible to successfully achieve 20 units on this site.

8 Public Consultation

- 8.1 A site notice was displayed, the application was advertised in the press and 94 neighbour letters were sent out.

- 8.2 2 letters of objection have been received from the same address which make the following summarised comments:
- Inaccurate plans: The footprint of the existing building shows the building as further forward than it actually is. Our house is not already in the shadow of the building.
[Officer Comment: the plans submitted are adequate to determine the application]
 - Would be 5.1m further forward of the existing footprint.
 - Overshadowing concerns, loss of views.
 - Concerns plans do not indicate that side windows would be opaque. Privacy concerns in this respect.
 - Overlooking from first floor rear terrace.
 - Query what will happen with the factory wall which constitutes the boundary wall. Wants this wall retained.
[Officer Comment: a condition can be imposed on any grant of consent requiring boundary details]
 - Concerns relating to impact of development on water pressure – already low water pressure in the area.
[Officer Comment: This is not a material planning consideration]
- 8.3 The above concerns have been considered in the determination of this application.

9 Relevant Planning History

- 9.1 08/01391/OUTM – Demolish existing building and erect three storey block comprising 15 flats and basement parking, lay out amenity area and form vehicular access onto Redstock Road (amended proposal) – This application was presented to the Development Control Committee on Wednesday 22nd April 2009, where it was resolved to approved the application, subject to conditions and subject to a S106 agreement requiring 2x 1-bed and 1x 2-bed affordable housing units, a financial contribution of £15,000 for public transport infrastructure improvements, a £3,000 financial contribution for traffic regulation orders, and a financial contribution of £7,281.58 for education purposes. However the S106 agreement was never completed and as such the application was ‘finally disposed of’ in accordance with Section 36(13) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 on 25th July 2011.
- 9.2 06/01077/OUT – Demolish building, erect 3 storey block comprising 15 flats with basement parking and lay out amenity area (outline) – planning permission refused and the appeal dismissed.
- 9.3 05/00940/OUT – Demolish buildings erect 3 storey block comprising 15 flats with basement parking and lay out amenity area (Outline) – planning permission refused.
- 9.4 04/00864/RES – Demolish industrial buildings and erect 3 storey block comprising 15 flats with basement parking for 23 cars, form amenity area with landscaping (approval of reserved matters following grant of outline permission SOS/00/00584/OUT dated 11/7/01) Amended proposal – application refused and appeal dismissed.

- 9.5 04/00614/OUT – Demolish industrial buildings and redevelop the land for unspecified residential purposes (renewal of outline planning permission SOS/00/00584/OUT – granted on appeal dated 11/07/2001) – planning permission granted.
- 9.6 03/00573/RES – Demolish industrial buildings and erect 3 storey block of 21 flats with basement parking, form amenity area with landscaping (Approval of reserved matters following grant of outline permission SOS/00/00584/OUT dated 11/7/01) – application refused.
- 9.7 00/00584/OUT – Demolish industrial buildings and redevelop the land for unspecified residential purposes (outline) – application refused, but allowed on appeal.

10 Recommendation

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

- 01 The proposed development, by reason of its size, scale, bulk, mass, siting, detailed design and lack of opportunities for soft landscaping, results in an overly dominant, contrived and incongruous scheme which would cause material harm to the character and appearance of the site and the surrounding area, contrary to National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**
- 02 The design, size, siting, bulk and mass of the proposed development are such that it would be overbearing, dominant and result in an unacceptable sense of enclosure to the detriment of the amenities of the occupiers of the neighbouring dwelling to the west at No.26 Redstock Road. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**
- 03 The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policy KP2 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).**
- 04 The proposed communal amenity deck, by virtue of its pedestrian access and relationship with the main habitable rooms serving flats 4, 5, 6 and 7 would result in material overlooking, loss of privacy and substandard living conditions to the occupiers of these dwellings providing a poor quality residential environment.**

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

- 05 The application fails to demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community, includes stepped access to the main entrance, cycle and refuse store and information has not been submitted to demonstrate that the new dwellings would meet the M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM8 of the Development Management Document (2015).
- 06 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. In the absence of this undertaking the application is unacceptable and contrary to the National Planning Policy Framework (2012), 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.