

Reference:	18/00899/FULM	
Ward:	Chalkwell	
Proposal:	Demolish existing buildings, including 6 Crosby Road, erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road (Amended Proposal)	
Address:	Crowstone Preparatory School, 121-123 Crowstone Road, Westcliff-on-Sea, Essex, SS0 8LH	
Applicant:	BESB Contracts Ltd	
Agent:	Phase 2 Planning	
Consultation Expiry:	14.06.2018	
Expiry Date:	14.08.2018	
Case Officer:	Charlotte White	
Plan Nos:	773.001.04, 773.200.04, 773.207.02, 773.208.02, 773.206.02, 773.209.04, 773.205.02, 773.204.02, 773.203.02, 773.201.04, 773, 202.04	
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 a 4-storey block of 20 flats fronting Crowstone Road and Crosby Road. Vehicle access will be provided from Crosby Road with parking provided to the east of the proposed flats.

1.2 The details of the scheme are summarised as follows:

Units 19x 2-bedroom flats (3 person and 4 person units with sizes ranging from 66sqm to 68sqm for the 3 person units and 70 to 85sqm for the 4 person units) and 1x 3-bedroom flat (5 person unit measuring 92sqm)

Parking 20 parking spaces to serve the flats; 2 of which are shown as accessible spaces. 20 cycle parking spaces are provided at lower ground level.

Amenity space The information contained within the planning statement indicates a communal amenity space of some 255sqm will be provided with all apartments provided with private balconies ranging from 3sqm to 10sqm. The lower ground floor 3-bedroom unit will be provided with a private amenity space at the front of the site measuring some 48sqm.

Refuse A refuse store is proposed at lower ground level on the western side of the flats in a single storey attached building.

Height (max) Maximum Height: approximately 16.2m

Width (max) Maximum width: approximately 22.4m

Depth (max) Maximum depth: approximately 27.4m

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

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

1.4 At the time of the officer site visit, the former school buildings were significantly demolished. The existing dwelling at No.6 Crosby Road appears to be occupied currently.

1.5 The application was referred to the Development Control Committee by Cllr Folkard.

- 1.6 The application is accompanied by a viability assessment, accommodation schedule, design and access statement, ecological assessment, planning statement, transport statement, environmental noise assessment, bat survey, surface water drainage strategy, arboricultural impact assessment report and sustainability and energy report.
- 1.7 Planning permission was recently refused under reference 17/02179/FULM for a larger site, including that subject of the current proposal, to demolish the existing buildings including 6 Crosby Road and erect a three storey building comprising 20 self-contained flats, 6 two storey dwellinghouses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road for the following reasons:
1. 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).
 2. 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).
 3. 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).
 4. 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).
 5. 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).

6. 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).

1.8 The scheme hereby proposed is significantly different to the previous refusal, with a different smaller site area and includes the following significant changes:

- Removal of the land to the rear from the application site and the removal of 6 dwellings on the former playing fields as previously proposed.
- Flatted development now constitutes a single block rather than one large and one small block.
- The block of flats is set further back into the plot than the previous proposal.
- Increase in scale of the development from 3 to 4 storeys

1.9 Pre-application advice was offered following this previous refusal, but was not undertaken by the applicant.

2 Site and Surroundings

2.1 This 'L' shaped corner site fronts Crosby Road and Crowstone Road. The site previously contained school buildings and includes No.6 Crosby Road, a simple family dwellinghouse.

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 to 2.5 storeys in nature, although anomalous blocks of flats in the vicinity are up to 4 storeys in scale.

2.3 The information submitted with the application indicates that the Independent Preparatory School closed in July 2016. The school buildings have already been, quite lawfully, significantly demolished under prior approval (ref. 17/00938/DEM).

2.4 The application site has no specific allocation within the Development Management Document proposals map.

3 Planning Considerations

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

4 Appraisal

Principle of development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, KP3, CP3, CP4, CP6 and CP8; Development Management Document (2015) Policies DM1, DM2, 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 largely constitutes previously developed land. Amongst other policies to support sustainable development, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes.
- 4.3 Policy KP1 of the Core Strategy identifies 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 attaches 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 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

- 4.7 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.
- 4.8 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 this was 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 school buildings and that the school buildings have been substantially demolished, quite lawfully. No objection is therefore raised to the principle of the loss of the school use and its redevelopment for housing. It is also noted that no objection was previously raised to the principle of the loss of the school site and its redevelopment for residential purposes under the previous application; reference 17/02179/FULM. Whilst the proposal will result in the loss of a family dwelling (No.6 Crosby Road) given that the development includes the provision of a three-bedroom flat, no objection, on balance is raised on this basis.

Dwelling Mix

- 4.9 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	0%	95%	5%	0%

- 4.10 This development provides mainly 2-bedroom flats. However, the greatest need within the Borough is for larger 3-bedroom units of which this proposal only provides 1 unit. The proposal also includes no 4-bedroom or 1-bedroom units. The submitted planning statement provides little justification for the limited mix of dwellings proposed, referring to the previous application under reference 17/02179/FULM and states *‘that the provision of mainly 2 bed units, due to site constraints, local market needs and viability considerations plus the size of the scheme is considered an acceptable approach.’* However, the previous proposal under 17/02179/FULM proposed a dwelling mix comprising 15% 1-bedroom units, 62% 2-bedroom units, 0% 3-bedroom units and 23% 4-bedroom units and therefore provided a greater dwelling mix than that hereby proposed which provides only 2-bedroom units, with the exception of a single 3-bedroom unit to replace the family dwelling lost at No.6 Crosby Road. As such the dwelling mix is considered unacceptable and contrary to policy and has not been adequately

justified. An objection is therefore raised on this basis.

- 4.11 As such whilst the principle of the development is considered acceptable, given that this revised proposal no longer includes the development of the protected green space unlike the previous application (reference 17/02179/FULM), the dwelling mix proposed is considered unacceptable and an objection is raised on this basis. Other material considerations such as design and the impact on the amenity of adjoining residents are discussed below.

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 and the Design and Townscape Guide (2009).

- 4.12 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.
- 4.13 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.”*
- 4.14 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.
- 4.15 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”.*
- 4.16 The surrounding area is mainly characterised by fairly large detached houses, generally of individual styles, but similar characters, that are characteristically 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.

- 4.17 In terms of scale, the block of flats proposed wraps around Crosby Road and Crowstone Road, it is 4 storey in scale and has 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 overall. It is considered that the proposed 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 the forward projection of the large block of flats in front of the established building line on both frontages. The presence of the existing anomalous blocks of flats in the vicinity do not provide any justification for the scale, size and mass of the proposed block of flats. The articulation of the building, provides limited relief to its scale and mass. The unacceptable scale of the development is evident on the streetscene plans submitted (drawing number 773.207.02) in which the development dwarfs the adjoining detached dwellinghouses, particularly 125 Crowstone Road.
- 4.18 The development has been designed to be further back in its plot than the previous application under reference 17/02179/FULM but the development is still located materially forward of the established building line in Crosby Road and Crowstone Road. Crowstone Road benefits from a staggered building line and as such the forward siting in Crowstone Road would not be objectionable in principle, however, the forward projection serves to heighten the harmfully excessive scale and mass of the bulky development. Equally, the proposed block of flats is located significantly beyond the building line in Crosby Road which is unacceptable and results in a prominent and visually incongruous development.
- 4.19 The proposal also includes unacceptable design detailing and is of an unacceptable appearance. The proposal still proposes some sunken, lower ground elements which are unsightly and out of keeping. The proposed development is 'top-heavy' with a bulky and awkward roofscape with poor detailing such as disproportionate gaps provided between the eaves and the second floor windows. The refuse store would also be unduly prominent and the large gap in built form to provide the access and car park would result in the rear elevation of the development being overly prominent and an unsightly expanse of hardsurfacing which would be out of keeping with and visually harmful in the streetscene.
- 4.20 A condition could be imposed on any grant of consent requiring full landscaping details. However, the large expanse of hardsurfacing will not be adequately screened by soft landscaping and a concern is raised that the car park proposed would be out of keeping and prominent in the streetscene. In this respect it is far from clear that this harm could be overcome with the imposition of conditions.
- 4.21 Taking all these factors into account, it is considered that the proposed development is contrived and represents an overdevelopment of the site, with the proposed building being of an unacceptable size, scale, mass and bulk that would be materially out of keeping with the scale and appearance of the mainly 2-storey adjoining dwellings. The building is located materially forward of the established building line, creating an overly prominent and incongruous development. The setting of the building is also unacceptable in terms of its design approach. The development is therefore of a poor design that, in failing to respond satisfactorily to the site circumstances suitably referencing the urban grain is out of keeping with

and would result in material harm to the character and appearance of the area, 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 guidance contained with the Design and Townscape Guide (2009).

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).

- 4.22 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.
- 4.23 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):
- 4.24 *“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;”*
- 4.25 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 western windows proposed would be located a minimum of some 20.5m from the boundary with No.8 Crosby Road and as such would not result in any material overlooking or loss of privacy to the adjoining residents in Crosby Road. The windows in the southern elevation adjacent to No.125 Crowstone Road have been limited with the nearest southern windows located some 13.3m 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.
- 4.26 The development would not result in any material overlooking or loss of privacy to the adjoining residents and is therefore policy compliant in this respect
- 4.27 In terms of dominance, an overbearing impact and loss of light and outlook, the proposed block of flats has a staggered footprint and has been designed to ensure the development nearest to No.125 Crowstone Road does not extend significantly beyond the rear elevation of this dwelling and the proposed block of flats is significantly removed from the nearest adjoining dwelling in Crosby Road, No.8 Crosby Road. 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.

4.28 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 areas of car parking and an access road immediately adjacent to the private, residential amenity areas of neighbouring residents. In this respect, an Environmental Noise Assessment has been submitted with the application which concludes that *‘the potential noise impact on neighbours from on-site parking has been considered and it is predicted to be insignificant because of the low number of vehicle movements associated with typical residential use. The number of spaces adjacent to 125 Crowstone Road has also been reduced from the previous application. However, notwithstanding this prediction due to the Council’s concerns, it has been recommended that acoustic barriers be erected along the affected boundaries to reduce any impact on neighbouring and ground-floor rooms.’* Given these findings and that the parking area is separated from the residential boundary by landscaping and subject to a condition requiring details of the acoustic fencing proposed, no objection is raised on this basis.

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).

4.29 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:
 - 2 bedroom (3 bed spaces) 61sqm
 - 2 bedroom (4 bed spaces) 70 sqm
 - 3 bedroom (5 bed spaces) 86sqm
- 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.

4.30 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.

4.31 The Planning Statement submitted indicates that all of the units proposed satisfy the Technical Housing Standards with the 2-bedroom, 3-person units measuring 66sqm – 68sqm, the 2-bedroom 4 person units measuring 70-85sqm and the 3-bedroom 5-person unit measuring 92sqm. In this respect, units 04, 09 and 14 which constitute 2-bedroom, 4-person units appear to be just under the 70sqm minimum size required (approximately 69.3sqm). Given this deficiency is very marginal, in this instance it is considered that the proposal would provide adequate living conditions for the future occupiers of the site and it is considered that a reason for refusal on this small deficiency could not be fully justified. All of the bedrooms proposed are of acceptable sizes and all of the flats proposed provide dedicated built-in storage. The development would therefore provide adequate living conditions for the future occupiers of the site in this regard and the proposal is therefore policy compliant in this respect.

4.32 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 will benefit from. For example unit 05 is a ground floor, single aspect, north facing unit with deep room plans, resulting in limited natural light within the main habitable rooms. There is also concern that flat 02 would be provided with poor outlook; constituting a lower ground level flat with all of its windows serving habitable rooms overlooking the car park. It is therefore considered that the proposed development would result in inadequate levels of light and outlook to some of the units proposed, resulting in substandard living conditions to the material detriment of the living conditions of the occupiers of these units. The proposal is therefore unacceptable and contrary to planning policy in this respect.

4.33 With regard to external amenity space, 255sqm of communal gardens are proposed to the front of the site between the proposed flats and the highways of Crosby Road and Crowstone Road, with the 3-bedroom ground floor flat having a private garden area of some 42sqm located between the building and Crosby Road. However, this space is limited in depth, and would constitute a landscape

buffer rather than a particularly usable amenity space for the future occupiers of the development. However, every flat is also to be provided with a private balcony ranging from some 3sqm to 10sqm. As such, on balance it is considered that the amenity space proposed is adequate and would not result in substandard living conditions for the future occupiers of the site. The proposal is therefore acceptable and policy compliant in this respect.

- 4.34 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.
- 4.35 In this respect the Planning Statement submitted indicates two ground floor apartments have been designed to accommodate M4(3) requirements, both of which have a disabled parking space. The remaining apartments will meet M4(2). In this respect, whilst concern is raised that the submitted plans indicate that there are steps leading to the development's main entrance from Crowstone Road, given the applicant's commitment to adhere to these standards, subject to a condition requiring the development to be built in accordance with the M4(2) and M4(3) standards, as appropriate, no objection is raised on this basis.
- 4.36 The application has been submitted with an Environmental Noise Assessment which includes a survey of the existing noise levels at the site. The report concludes, subject to *'a suitable scheme of glazing and ventilation...will ensure that internal noise levels in the new dwellings will be within normal planning criteria of BS 8233 / WHO guidelines. The assessment of outside amenity space indicates that the private balconies proposed for the apartments will experience noise levels within the WHO guidelines.'* Given the findings of the report, and subject to the development being undertaken in accordance with the recommendations of this report, it is considered that the development would provide adequate living conditions for the future occupiers of the site in terms of noise and disturbance.
- 4.37 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.
- 4.38 No contaminated land assessment has been submitted with this application; however, a condition could be imposed on any grant of consent in this respect.
- 4.39 It is therefore considered that the overall development fails to provide adequate living conditions for the future occupiers of the site and the development is therefore unacceptable and not policy compliant in this respect.

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 and the Design and Townscape Guide (2009).

- 4.40 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per 2 and 2+ bedrooms flat. As such there is a requirement for 20 parking spaces to serve the development.
- 4.41 The proposal seeks to provide 20 parking spaces (including 2 accessible spaces) and 20 cycle parking spaces and is therefore policy compliant in this respect. The Highway Team has raised no objection in this respect, commenting that the widened crossover will allow 2 vehicles to pass and has good visibility. The parking layout ensures vehicles can manoeuvre within the site and emergency vehicles can access the site if necessary and concludes that the proposal will not have a significant detrimental impact upon the public highway.
- 4.42 As such, given the level of parking proposed, and given the positive comments received from the Highway Team 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.
- 4.43 In terms of refuse facilities, a covered and secure refuse store is provided close to the car park. 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

- 4.44 There are no trees subject to 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 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 street trees will be protected during works by tree protection and ground protection. Given the findings of this report and that a condition could be imposed 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.
- 4.45 The Planning Statement submitted indicates that additional soft landscaping will be provided, details of which would be secure via condition. Subject to a landscaping condition attached to any grant of consent no objection is therefore raised on this basis.
- 4.46 In terms of ecology the application has been submitted with an ecological assessment and a bat survey.
- 4.47 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).

- 4.48 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.
- 4.49 Whilst no written comments have been received from the parks team to this application, comments were previously received in this respect from the Council's Environmental and Greenspace Project Officer to the previous application (reference. 18/02179/FULM); commented that the bat survey and ecological survey were 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 made a number of recommendations in relation to further enhancements for garden birds, bats and hedgehogs and suggested a landscape plan to include a mixed, native-rich hedgerow. A site visit was also undertaken by the Case Officer and Environmental and Greenspace Officer on 19th June 2018 in which it was confirmed by the Environmental and Greenspace Officer that there are no badgers foraging on the application site that this proposal relates to. Subject to conditions which could be imposed 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).

- 4.50 The application has been submitted with a Sustainability and Energy Report.
- 4.51 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
- 4.52 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.
- 4.53 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.

- 4.54 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.
- 4.55 Given the above findings and subject to a condition requiring full details of the sustainable urban drainage system proposed no objection is raised on this basis.
- 4.56 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.

Community Infrastructure Levy

- 4.57 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)

- 4.58 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.”

- 4.59 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).

4.60 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.

4.61 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.

4.62 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).

4.63 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.

4.64 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”

- 4.65 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; commenting that they have written to several Registered Providers; 2 of which have declined and 4 of which have failed to respond. The viability assessment therefore concludes that a contribution in lieu of on-site would be required. In this respect the submitted viability assessment concludes that a contribution in Lieu would constitute some £311,333. However, the submitted viability assessment concludes that the viability test has not passed with such a commuted sum and therefore the scheme cannot deliver any contribution towards affordable housing.
- 4.66 However, firstly it is noted that information received from the Housing Team indicates that there are some Registered providers with an interest in taking affordable units on this site.
- 4.67 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 £311,333. In this respect, the independent review concludes that the proposed development can viably contribute towards an affordable housing payment of £311,333 in lieu
- 4.68 In this respect, no S106 legal agreement has been completed to secure such a payment and it has not been clearly 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.
- 4.69 In terms of the secondary Education requirements, the Education Team has confirmed that 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, including flats, will add to this oversubscription. A contribution of £15,477.47 is required to mitigate against the increased demand this development will result in, in this respect.
- 4.70 In this respect, no S106 legal agreement has been completed to secure the necessary payment towards secondary education, to meet the needs generated by the development, contrary to the Development Plan.
- 4.71 The proposal is therefore unacceptable and contrary to the Development Plan in the above respects 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 constitutes an unacceptable dwelling mix, is of a contrived and unacceptable poor design that would result in material harm to the character and appearance of the area. The development fails to provide adequate living conditions for the future occupiers of the site 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 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

7.1 London Southend Airport

Given the position and height the planning application will have no effect upon our operations. Therefore there are no safeguarding objections.

Please note that if a crane or piling rig is required 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 co-ordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

7.2 **Anglian Water**

Records shown that there are no assets owned by Anglian water or those subject to an adoption agreement within the development boundary.

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

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

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, Anglian Water is unable to provide comments on the suitability of the surface water management.

7.3 **Essex Police**

Would invite the developer to contact us with regard to discussing crime prevention through environmental design.

7.4 **Essex and Suffolk Water**

Records show that we do not have any apparatus located in the proposed development. 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 the Company network for the new dwelling.

7.5 **Traffic and Transportation**

The application has provided 20 car parking spaces for the proposal, 2 of these spaces will be for disabled users. 20 cycle spaces will also be provided. Parking provision for the site is policy compliant. Access will be gained to the site via an existing vehicle crossover which will be widened to allow 2 vehicles to pass. The existing vehicle crossovers on Crowstone Road should be reinstated back to footway. The vehicle access has good visibility splays which are not detrimental to highway safety. The parking layout ensures that vehicles can manoeuvre effectively within the site. Emergency vehicles will be able to access the site if required.

When assessing the proposal against the previous use, consideration has been given to the number of vehicle trips associated with the school; this has been compared against the number of trips generated by the proposal which will not have a significant or detrimental impact upon the public highway.

The applicant should provide travel packs to ensure future occupiers are aware of sustainable travel options.

Given the above information and that contained within the comprehensive transport statement there are no highway objections to the proposal

7.6 **Housing**

A minimum of 4 units of affordable housing are required on this scheme: 2x 1-bedroom flats and 2x 2-bedroom flats: 2 of the units should be social rented and 2 should constitute intermediate housing. The application does not state how it intends to provide affordable housing as part of the scheme. This development therefore does not comply with this requirement.

Registered providers often prefer separate access/floors for different tenures for management reasons. There may be opportunity to provide private access to some of the ground floor units to negate this issue. The applicant should contact Registered Providers to determine their interests in the units and how the current design may be affected by their requirements. Each affordable housing unit must meet the size standards as outlined in the 'technical housing standards – nationally described space standards.'

It is apparent that there are Registered Providers that have an interest in discussing the proposed scheme with the applicant.

7.7 **Education**

The application falls within the primary school catchment areas for Barons Court and Milton Hall Primary Schools who share a catchment area. All secondary schools within acceptable travel distances 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 £15,477.47 is therefore requested.

7.8 **Waste**

The proposed bin store room with a total of 5 x 1100ltr Euro-bins. The Waste Storage, Collection and Management Guide for New Developments suggests between 15-21 properties require 2 x recycling containers and 3 waste containers so the proposal is acceptable in this respect. The bin store opens via double door to Crosby Road. In this respect, it is assumed that the developer is proposing that the collection vehicles would park on the public highway. In this respect, it is noted that on-street parking in Crosby Road may have a direct impact on contractor's ability to park and empty the proposed bin store. As such it is suggested consideration is given to highway parking restrictions outside the immediate area of the bin store footpath.

Whilst the euro-bin requirements have been met it is suggested that the bin store is enlarged slightly to allow future storage containers to be potentially included for example it is likely that food waste will be separately collected going forward. The current bin store footprint may become crowded and problematic for residents if new material streams are collected separately in the future.

It is noted the potential development of the adjacent field; whilst the application appears to be focussed on the first phase of the potential development of the land available, we would have some reservations about how waste and other collections could be provided to individual properties (assuming all on the current loose bag collections as individual properties) shown on this design. Access would be required for collection vehicles as this is outside the recommended walking distances for waste and recycling collections.

8 Public Consultation

8.1 A site notice was displayed, the application was advertised in the press and 66 neighbour letters were sent out. 34 letters of representation have been received which make the following summarised comments:

- Concerns relating to demolition of No.6 Crosby Road which is a characterful family home and will change the character of area. Use of this area for parking is unreasonable. 1 3-bedroom flat does not justify this loss.
- Traffic, congestion and parking concerns – already congested and a ‘rat run’ with lots of cars parked in road. Would increase traffic and parking issues. Concerns relating to accuracy of transport statement submitted. Concerns relating to emergency vehicle access. Refuse vehicles cannot travel along road. Increased traffic accidents and highway safety concerns. Inadequate parking provided and no visitor parking proposed. Concerns relating to increase on-street parking. Restrictions needed on street.
- Design concerns including concerns relating to the height, mass, scale, dwarfing its neighbours, out of keeping and out of character. Height has increased compared to previous application. Still forward of building line and car park design concerns. Projecting balconies are not a character of the area. Too close to site boundaries. Out of keeping with family homes.
- Overdevelopment, density concerns and concerns that proposal is larger than previous school buildings. Town cramming.
- Privacy concerns and overlooking.
- Overbearing and imposing.
- Loss of light – day light and sunlight. No daylight report submitted.
- Noise and disturbance to neighbours. Noise and emissions from car park to adjoining garden.
- Previous issues have not been addressed.
- Ignores adequate living spaces for people. Poor living conditions – 3 bed flat would have restricted light and be overlooked. Poor light to rooms and concerned flats are not large enough.
- Concerns about usability of refuse store.
- Badger setts and concerns relating to impact on birds, foxes, mice, squirrels, toads, frogs and badgers.
- Council has 6 year housing land supply.
- 6 Crosby Road garden is not brownfield land.
- Contamination concerns.
- Ground stability concerns.
- Flooding, drainage and sewerage concerns. Flooding issues in the area.
- No affordable housing provided.
- Air pollution.
- Loss of quiet enjoyment of garden amenities.
- Impacts Human Right
- Loss of a view.
- Upset school buildings were demolished originally.
- Precedent for future development
- Area needs more family homes not flats.
- Concerns regarding future proposals for the land to the rear and references made to 6 dwelling at the rear of the site. Concerns regarding piecemeal development.

[Officer Comment: This proposal does not include the development of the school playing fields.]

- Concerns that garages will be lost.
- Query if part M compliant, lack of level access.
- Lack of public transport in the area.
- Query whether 10% on site renewable target could be met.

- Inaccurate plans and information submitted.
- More fitting if dwellinghouses planned or suggest a 2 storey block of flats would be more appropriate.

[Officer comment: the application must be determined as submitted]

- Developer profits.
- Covenant on the site

[Officer Comment: Covenants are not a material planning consideration.]

9 Relevant Planning History

- 9.1 17/02179/FULM - Demolish existing buildings including 6 Crosby Road, erect three storey building comprising 20 self-contained flats, 6no two storey dwelling houses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road – Planning permission refused 3rd April 2018.
- 9.2 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 proposal would, by reason of its size, scale, bulk, mass, siting 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 (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 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 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).**
- 03 **A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**
- 04 **The application does not include a formal undertaking to secure a**

contribution to affordable housing provision to meet the demand for such housing in the area. 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 (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.**