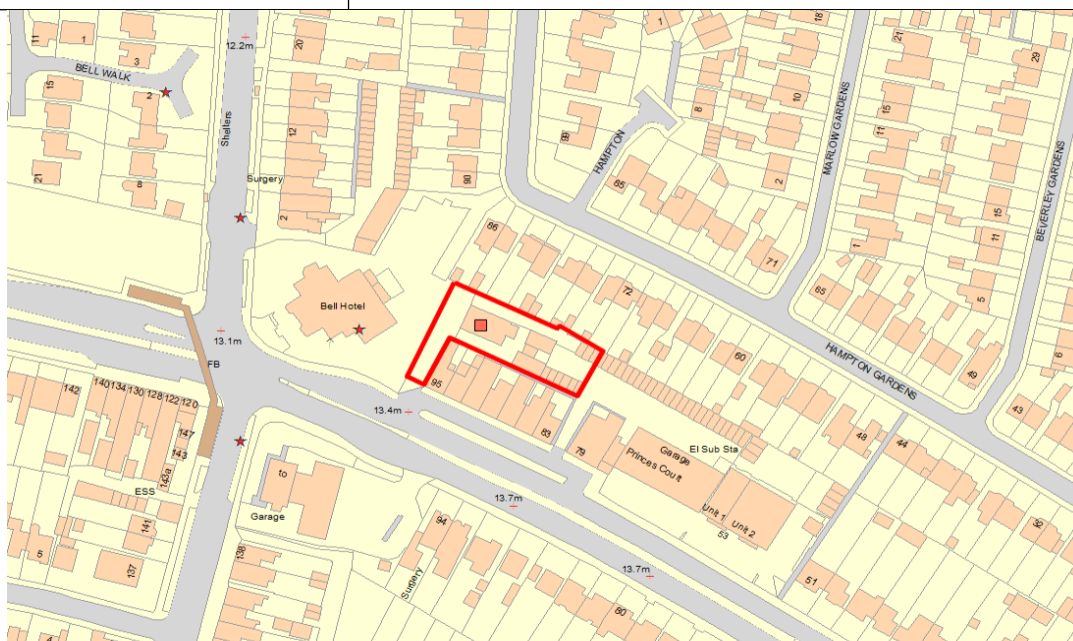


Reference:	19/00565/FULM	
Application Type:	Full Application Major	
Ward:	St Laurence	
Proposal:	Demolish existing workshop buildings and storage garages to rear and erect two, three storey blocks comprising of 11 self-contained flats including bin/cycle storage, layout amenity space and parking (Amended Proposal)	
Address:	Rear Of 95, Prince Avenue, Southend-On-Sea	
Applicant:	Mr James Dove	
Agent:	Mr James Collinson of Design Spec Ltd.	
Consultation Expiry:	2nd May 2019	
Expiry Date:	3rd July 2019	
Case Officer:	Robert Lilburn	
Plan Nos:	2760/01/40 Sheet 1 of 4 Revision 01 Location Plan, Existing and Proposed Site Plan and Roof Plan; 2760/01/40 Sheet 2 of 4 Revision 01 Proposed Floor Plans; 2760/01/40 Sheet 3 of 4 Revision 01 Proposed Elevations and Roof Plan; 2760/01/40 Sheet 4 of 4 Revision 01 Existing Elevations and Plans	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is situated to the rear of a parade of shops on the north side of Prince Avenue, adjacent the six storey Princes Court apartment building and the large pub/restaurant building (former Bell Hotel) at the corner of Rochford Road. To the north of the site are the gardens of dwellings at Hampton Gardens.
- 1.2 The site is a former workshop, occupied by single storey buildings and structures which related to the previous use as a gearbox workshop. The existing buildings are not of special architectural merit and there are no heritage assets in the immediate vicinity.
- 1.3 The site is located adjacent the rear of the two-storey terrace of commercial units at 83-95 Prince Avenue (some of which have flats above). There are some extract flues and air conditioning equipment at the rear of the commercial units at 83-95 Prince Avenue.
- 1.4 The site also adjoins the rear gardens of the semi-detached dwellings at 72-86 Hampton Gardens. It adjoins the car park behind Princes Court at the east and the car park around the former Bell Hotel to the west.
- 1.5 The site is not specifically identified in the policies map of the Development Management Document (2015), except as part of the secondary shopping frontage which relates to the parade of shops in front of the site. It is situated in Flood Zone 1.

2 The Proposal

- 2.1 The application is for the erection of two buildings comprising eleven self-contained flats. The development would take place following demolition of the existing buildings on the site.
- 2.2 The buildings would be two-storeys of masonry construction and they would include accommodation in the roof space, which would be facilitated through the use of gable windows, dormer windows and roof lights, together with relatively steep roof pitches.
- 2.3 The buildings would have crown roofs. Balconies would be incorporated into the design as well as projecting gables, and roof dormers, which would accommodate living space. Block A to the west would be an asymmetrical design in response to site constraints. The roof of Block B would be part hipped and part gabled in design. The appearance of Block B would be more cohesive.
- 2.4 The submitted plans and details indicate that the proposed buildings would be finished externally in facing brick to the ground floor, with render, weather board and composite slate roof tiles above.
- 2.5 The proposed schedule of accommodation would be one 2-bed 4-person flat of gross internal area (GIA) 70.5sqm, six 2-bed 3-person flats of GIA 61sqm and 62.5sqm and four 1-bed 1-person flats of GIA 40sqm (two flats), 43.1sqm and 44.4sqm respectively.
- 2.6 The development would include ten outdoor car parking spaces and two garage car parking spaces within Block A. It would be accessed via an existing driveway leading from the parade of shops on Prince Avenue.

The development would include some garden amenity space of some 42sqm, outdoor cycle racks, an internal cycle store and refuse store within Block A.

- 2.7 The applicant has also submitted the following supporting documents: a Planning Design and Access Statement dated 5th January 2019, a Transport Statement dated 13th March 2019, an Affordable Housing Viability Report dated 9th May 2019, report by RFH Environmental Ltd dated 11th January 2019, SUDS Assessment by RFH Environmental undated, and a Recycling and Waste Management Strategy dated 3rd April 2019.

3 Relevant Planning History

- 3.1 93/1039: Use premises for motor vehicle gearbox repairs and overhauling with subsequent reassembly and replacement utilising electric hoists air tools portable electric hand tools hand tools washing tank bench grinder standing presses and hand press or pullers and an acoustically enclosed air compressor. Approval not required.
- 3.2 Numerous earlier applications have been determined in relation to the site; these are considered not to have a significant bearing on the determination of the current application.

4 Representation Summary

Public Consultation

- 4.1 56 neighbouring properties were notified. A site notice has been posted and a press advertisement has been published. Letters of representation have been received from eight addresses, as follows:
- Daylight and overshadowing impacts to neighbours at all times of the year;
 - Overlooking and loss of privacy to neighbours;
 - Noise disturbance to neighbours from occupation, access and car park;
 - Construction impacts of noise and dust;
 - Security concerns relating to rear gardens and boundaries;
 - Lack of convenient refuse storage;
 - Harm to amenity of neighbours and area;
 - Insufficient car parking and impacts on nearby streets and shops;
 - Inaccuracies in Transport Statement;
 - Servicing access could not be obtained into the site;
 - Emergency services access could be difficult or impossible;
 - Site is too small – overdevelopment;
 - Concerns relating to drainage including surface water run-off;
 - Effects on private access to rear gardens;
 - Loss of value to houses;
 - Removal of asbestos and health risks.
- 4.2 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. Those remaining are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.

- 4.3 The application is presented to the Development Control Committee for determination given that the development constitutes a major development, in accordance with the scheme of delegation. The application has also been called in to Development Control Committee by Councillor Flewitt.

Highways

- 4.4 A total of 12 car parking spaces have been provided for the dwellings. Ten spaces are provided at the rear of the site; the car park layout ensures vehicles can manoeuvre effectively and leave the site in a forward gear. However two spaces are provided within garages. The garages do not meet the current criteria of 7m by 3m dimensions. Cycle parking has been provided however this should be made secure. Given the above information relating to the garage sizes, which cannot be considered parking spaces, a highway objection is raised due to the lack of available parking for all of the dwellings.

Essex Police

- 4.5 Developers are invited to contact Essex Police to discuss reducing crime through environmental design.

Environmental Health

- 4.6 No objection to the submitted details. Conditions recommended:
Conditions recommended:
Construction hours shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays;
During construction and demolition there shall be no burning of waste material on site, this is for air quality reasons [**officer comment:** this is covered by separate legislation].

Education

- 4.7 This application falls within the primary catchment area for Prince Avenue Primary School and The Eastwood Academy Secondary School. Primary places are available. All secondary schools within acceptable travel distance are oversubscribed. An expansion programme is currently underway within all the non-selective secondary schools in Southend and any further developments within the area will add to this oversubscription. A contribution towards the Secondary expansion of Eastwood Academy of £3,956.06 is therefore requested.

London Southend Airport

- 4.8 No safeguarding objections. A crane or piling rig would need separate safeguarding and may require full coordination with the airport authority.

Lead Local Flood Authority

- 4.9 According to the Risk of Flooding from Surface Water mapping, available on the gov.uk website, parts of the site to the east and west are at low risk (0.1 – 1% % Annual Exceedance Probability (AEP)) of surface water flooding. The remainder of the site is at very low risk (< 0.1% AEP) of surface water flooding. The site is located in the Prittle Brook Critical Drainage Area as defined in the Southend-on-Sea Surface Water Management Plan (SWMP, 2015). The British Geological Survey (BGS) susceptibility to groundwater flooding dataset indicates the site is located in an area with limited potential for groundwater flooding. The site is situated within Flood Zone 1 according to the Environment Agency's Flood Risk from Rivers and Seas mapping. The closest waterbody is Prittle Brook (Main River), which is approximately 700m east of the proposed development site.

- 4.10 The applicant has not provided any details of a suitable drainage strategy. Applicant to provide a drainage strategy and supporting information demonstrating the requirements set out by the National Planning Policy Framework and the Essex County Council SuDS Design Guide are met, along with a completed Essex County Council SuDS Checklist. A detailed drainage strategy and SUDS design statement are required.

5 Planning Policy Summary

The National Planning Policy Framework (2019)

Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision)

Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM8 (Residential Standards), DM10 (Employment Areas), DM11 (Employment Areas) DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

Design & Townscape Guide (2009)

Planning Obligations (2010)

Community Infrastructure Levy Charging Schedule (2015)

National Technical Housing Standards (2015)

National Planning Practice Guide (2016)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design, impact on neighbour amenities, standard of accommodation, traffic and transportation, sustainable construction, CIL and planning obligations including affordable housing.

7 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2019), Policies KP1, KP2, CP1, CP3, CP4, CP6 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM7, DM8, DM10, DM11, DM14 and DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 7.1 Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land (para.8) in particular previously developed land (para.117).

- 7.2 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to promote sustainable development, and Policy KP2 seeks to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 7.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 7.4 Policy DM3 of the Development Management Document (2015) seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification. Policy DM8 of the Development Management Document provides for additional dwellings in the Borough.
- 7.5 The site is located within the built-up area and in reasonable proximity to services and transport links. The development would occupy previously developed land. The development would add to the supply of dwellings in Flood Zone 1. This is a relatively sustainable location for development which conforms broadly to the prevailing land use around it.
- 7.6 Policy DM14 requires contamination potential to be assessed and land remediated where necessary to manage associated risks and ensure a safe development. The site has been in use as a workshop and there is a clear potential for ground contamination as a result. The applicant has not submitted a Phase 1 desktop land contamination report; the submitted RFH Environmental Impact Assessment does not appear to meet the same objectives. While this is a negative aspect of the submission, the matter of land remediation could in this instance be dealt with by a condition should planning permission be granted.
- 7.7 It is considered that the proximity of the site to the commercial uses at the ground floor of the adjacent shopping parade need not prejudice a residential land use of this site, given the scale and character of these commercial uses and the possibility of the use of planning conditions to secure a good living environment.

Loss of employment land

- 7.8 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"*. Policies DM10 and DM11 seek to support appropriate sites for employment opportunity in accordance with the spatial strategy.

- 7.9 Policy DM11 states that “*outside the Employment Areas (Policy Table 8), 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: (i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes; or (ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use*”.
- 7.10 The applicant has stated at 1.3 of the submitted Design and Access Statement (DAS) that the site has fallen into disrepair beyond commercial recovery and would require much larger commercial units to make it viable. No further details have been provided further to the evidence requirements of Policy DM11.
- 7.11 It has therefore not been demonstrated satisfactorily within this application that the proposed loss of employment land can be justified. Whether the proposal would offer wider benefits is also considered below.

Secondary Shopping Frontage

- 7.12 The application site is included in the policies map of the Development Management Document (2015) as having a secondary shopping frontage designation. As the site is not currently in a town centre type of use it is considered that the proposal would have a neutral impact on the vitality and viability of the secondary shopping frontage and no objection is raised in this regard.

Dwelling mix

- 7.13 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	36%	64%	0%	0%

- 7.14 This development provides mainly 2-bedroom flats. However, the greatest need within the Borough is for larger 3-bedroom units of which this proposal provides none. On balance this is found to be acceptable in this location in the circumstances of the case. However it is a negative element of the scheme.

Design and Impact on the Character of the Area

National Planning Policy Framework (2019), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 7.15 The National Planning Policy Framework requires new development to respond positively to its surroundings. Paragraph 130 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”*.
- 7.16 Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and to complement local character. The Design and Townscape Guide notes the importance of a cohesive local character, and seeks appropriate site-specific design solutions, building on or introducing character.
- 7.17 The site is characteristic of a backland location. It is already occupied by buildings and therefore new development on the site would in a broad sense be capable of consistency with the prevailing built form, subject to considerations of scale and layout.
- 7.18 The proposed layout would not correspond readily to any surrounding characteristic. There are limited references to inform the development. However, the area is mixed in character and the site is a transition point between forms; from the larger scale and commercial to the suburban residential.
- 7.19 The site forms part of a belt of ancillary small-scale buildings in a ‘zone of transition’ typified by lock-up garages and outbuildings. The result of this combined with the small size of the site is that any development within the site would be situated in close proximity with the existing neighbouring land uses and occupiers.
- 7.20 The proposed development would be two storeys with roof space accommodation. Accounting for the steep roof pitches and the size of the buildings the scale of the development would appear akin to the former Bell Hotel nearby.
- 7.21 Block B would be situated close to the three site boundaries at south, east and north, while Block A would have a greater depth, of some 14m. It would be removed from the north boundary of the site by some 5.5m to accommodate the access road. Together with the scale and design this would lend the development a cramped feel within the site. This is a significant negative aspect of the proposal which would have a harmful impact on the quality of the surrounding area and site.
- 7.22 There would be a limited area of amenity space, some 42sqm, sited together with the ten-space car parking lot between the proposed buildings. There would be little opportunity for soft landscaping within or to the perimeters of the site. That which is shown around Block B would be predominantly some 1m in width. It is considered that this would accentuate the cramped feel of the development.

- 7.23 The projection of the proposed buildings above the roof level of the two-storey mixed-use building at Prince Avenue would be visible within the wider surroundings. The submitted plans demonstrate that the juxtaposition of the roof forms and scales would be jarring in appearance. This effect would be accentuated by the proximity of the buildings to one another.
- 7.24 The elevation detailing of the proposed buildings is not objected to, at this relatively mixed location, although the oversailing gables of both buildings and the haphazard forms of Block A are a strong negative feature of the development which draw attention to the cramped form of the scheme. Furthermore the ground floor of Block A would be a principal public elevation, but would not address the access road and furthermore contains garage doors and a bin store. This is poor urban design.
- 7.25 The proposed materials are acceptable in principle. However the positive aspects of the scheme would not outweigh the negative aspects identified above which would be harmful to the townscape and visual amenities of the area. The proposal would not relate satisfactorily to its context and is not a sufficiently high standard of design. This is unacceptable and contrary to the development plan policies relating to design.

Impact on Neighbour Amenities

National Planning Policy Framework (2019), Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 7.26 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.27 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 7.28 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that “*protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight*”.
- 7.29 The proposed building would introduce additional occupiers to the mixed-use area. Although the site is somewhat secluded and not presently in residential occupation, it is well integrated to the surrounding built environment, which is relatively busy in character at this location as a result of its mix of uses and proximity to Prince Avenue.
- 7.30 The proposed development would create some additional noise from general occupation and from the comings and goings of these additional occupiers in the area. However the proposal is within the built-up area and its location is in keeping with the general grain of built form.

- 7.31 The proposal would introduce a different profile of vehicular activity compared to the present situation. There is already an access road and lock-up garages; the proposal would intensify the use of the area to a degree. There is already a car park to the immediate east, backing on to houses at Hampton Gardens.
- 7.32 It is considered for these reasons that the proposal would not be materially harmful to neighbour amenities by virtue of noise arising from general occupation and from comings and goings, including vehicular access, given the existing situation and site context.
- 7.33 High-level lighting is situated along Prince Avenue. Impacts of light from the side, rear or front windows, and from external areas, of the proposed development would not be such as to be materially harmful. External lighting could be controlled by condition in the event of a grant of planning permission.
- 7.34 The proposed Block B building would be situated within some 1m-2m of the rear boundary of nos.72-74 Hampton Gardens. The rear gardens of the dwellings at Hampton Gardens are typically some 17m in length, though some have been reduced by rear extensions. The Block B building would be some 6m in height to eaves level and some 8m in height to crown roof level.
- 7.35 The buildings would enclose the setting of these dwellings and rear gardens to a material degree. The proposed buildings would be taller than the semi-detached dwellings. The development would for this reason be a dramatic change within the rear garden scene of Hampton Gardens and in this context would be overbearing features, visually dominant and creating a harmful sense of enclosure.
- 7.36 The buildings would be situated some 11m from the rear of the first floor flats at Prince Avenue. Given the existing flats are at first floor, the scale and proximity of the two proposed buildings would on balance not lead to a materially harmful sense of enclosure or overbearing, or loss of outlook, to occupiers of the nearest flats.
- 7.37 The proposed building would be situated to the north of the shops and flats at Prince Avenue, and to the south of the dwellings and their rear gardens at Hampton Gardens. The design of the buildings including the pitched roofs, two-storey eaves level and split into two blocks would be sufficient to avoid a materially harmful loss of daylight to the flats. The distance of the buildings from the dwellings would preclude a material loss of daylight to the dwellings.
- 7.38 The orientation of the buildings relative to the flats would preclude a material degree of overshadowing. The buildings would cause some shadowing to the rear gardens however this would only be for certain periods during the day and would not be materially harmful.
- 7.39 In conclusion it is found that the proposed development would be unacceptable and contrary to policies in relation to the amenities of immediate neighbours, on the grounds of visual impact, sense of enclosure and loss of privacy. Further consideration of impacts on the surrounding area, for example in relation to parking and transportation is made below.

Living Conditions

National Planning Policy Framework (2019), Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM8 of the Southend-on-Sea Development Management Document (2015), the National Technical Housing Standards (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 7.40 Paragraph 127 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area and create places that are safe inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.
- 7.41 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. Development should meet the residential space standards set out in the Nationally Described Space Standards.
- 7.42 The National Housing Standards state that the following gross internal floor area (GIA) is required to ensure the development is in line with planning requirements:
- one-bedroom, one-person flat, GIA 39sqm;
 - two-bedroom, three-person flat, GIA 61sqm;
 - two-bedroom, four person flat, GIA 70sqm.
- 7.43 The Standards require that in order to provide two bed spaces, a room must have a floor area of at least 11.5sqm, and in order to provide one bed space, a room must provide a minimum of 7.5sqm.
- 7.44 The proposed flats would exceed these standards. All first and second floor flats would include reasonable daylight levels and outlook by virtue of the configuration of windows. The limited scope for soft landscaping and outlook across large areas of hardstanding and car parking would be negative aspects of the scheme from the viewpoint of the first and second floor flats.
- 7.45 The rear and side ground floor windows at Block B would suffer from a lack of outlook and poor daylight levels if existing boundary treatments were retained. The site character dictates that a strong perimeter treatment would be necessary to the east end, and would likely be retained to the north and south borders also. To the west elevation of Block B, the proximity of parking spaces with associated manoeuvring to the ground floor windows would also have some effect on outlook of the occupiers of the ground floor flats. This arrangement would be detrimental to occupiers' amenity, by virtue of the layout, position and scale of the proposed development within the host site.
- 7.46 Policy DM8 requires that new developments make provision for useable private outdoor amenity space. The Design and Townscape Guide (2009) states: "Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development".
- 7.47 The proposed development includes small balconies to Flats H and I, measuring some 3sqm each. These flats are 2-bed 3-person flats of some 61sqm GIA. The submitted plans show that the development would have a small area of soft landscaped amenity space (measuring some 42sqm) adjacent the car park and adjacent Block A. The development includes accommodation suitable for small families in both blocks.

- 7.48 It is considered that the limitations of soft landscaping and amenity space at the site, together with the cramped form of development and its close proximity to the rear of the commercial properties, would lend it an unremittingly harsh character for occupiers. This would be accentuated by the siting of the development in close proximity to the busy arterial road of Prince Avenue.
- 7.49 While Priory Park is a short walk away, it requires crossing busy roads; the site is in a setting dominated by Prince Avenue and it is considered that while the park is a valuable amenity reliance on it in lieu of reasonable on-site outdoor amenity space is unacceptable in this case.
- 7.50 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users, and Policy DM8 requires development to have regard to Lifetime Homes Standards. These have been superseded by Part M4(2) of the Building Regulations and requires accessible and adaptable dwellings further to Policy DM8.1(iii).
- 7.51 The applicant has not specified M4(2) compliance. Some indication of accessibility has been shown on the submitted plans. Further appropriate compliance cannot reasonably be secured through a condition on any planning permission, as compliance would require the installation of lifts in this instance.
- 7.52 Policy DM8.1(iv) requires 10% of new dwellings on major development sites to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. On this basis ten per cent of new dwellings on major development sites are to meet building regulation M4(3) 'wheelchair user dwellings'. No M4(3) compliance has been specified.
- 7.53 Policy DM8 specifies amenity standards including cycle storage and refuse storage. Cycle storage has been shown on the submitted plans and although the store is centralised to Block A, which is a negative aspect of the layout, final details could be controlled by condition if the scheme was otherwise found acceptable.
- 7.54 Refuse storage has been shown on the submitted plans. The submitted details would require a carry distance for the waste producer of some 55m, and for the collector of some 25m. 1100l bins have been indicated. The submitted carry distances are considered unrealistic and likely to lead to waste storage and collection problems. This would be harmful for the amenities of future occupiers and for neighbouring occupiers.
- 7.55 The proposals are unacceptable and contrary to the objectives of the above-noted policies in regard to living conditions, relating to the outlook at ground floor of Block B, the quantity and quality of amenity space, the failure to meet the M4(2) and M4(3) standards and the suitability of refuse storage arrangements.

Traffic and Transportation Issues

National Planning Policy Framework (2019), Policies KP1, KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 7.56 Policy CP3 of the Core Strategy seeks to improve highway safety and accessibility. Policy DM15 of the Development Management Document (2015) states: *“All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”*. The adopted Vehicle Parking Standards state that at least one space should be provided per dwelling.
- 7.57 The submitted plans show ten proposed outdoor car parking spaces, with a further two within a garage arrangement in Block A. The adopted Policy states that a garage must measure at least 7m by 3m to count as a parking space; the proposed garages would be some 5.4m in depth and would therefore fail to meet the policy requirements. On this basis the development would not meet the adopted parking standard for quantum of parking.
- 7.58 Policy DM15 requires that cycle storage is safe, secure and covered. The proposed cycle stores are satisfactory in quantum of cycle parking, and would be satisfactory from a security viewpoint. However it is noted that Block B does not include cycle storage and occupiers would need to rely on the remote storage at Block A. This is a negative aspect of the scheme.
- 7.59 The proposal is unacceptable and contrary to Policy DM15 due to the shortfall in car parking.

Sustainability

National Planning Policy Framework, Policies KP1, KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM2 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 7.60 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. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in Design and Townscape Guide”.
- 7.61 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. In this instance the applicant has not provided any details relating to renewable energy resources. However, a condition could be attached to any grant of consent in this regard.
- 7.62 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Whilst details have not been submitted for consideration at this time, this could be dealt with by condition if the application was deemed acceptable.

- 7.63 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. This matter could be controlled through the use of an appropriately worded planning condition in this instance.

Community Infrastructure Levy (CIL)

CIL Charging Schedule (2015)

- 7.64 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

National Planning Policy Framework (2019) and Planning Practice Guidance, Policies KP3, CP6 and CP8 of the Southend-on-Sea Core Strategy (2007), Policy DM7 of the Development Management Document (2015) and a Guide to Section 106 & Developer Contributions (2015)

- 7.65 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"*.
- 7.66 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).
- 7.67 Paragraph 205 of the NPPF states that: *"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"*.
- 7.68 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 Planning Practice Guidance (PPG), which sets out the following:

"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".

- 7.69 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.
- 7.70 Specifically in relation to incentivising the bringing back into use of brownfield sites, which the application site is, the PPG 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”. (Paragraph: 026 Reference ID: 10-026-20140306).
- 7.71 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states that “*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*”.
- 7.72 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of the Guide to Section 106 & Developer Contributions (2015).
- 7.73 The submitted report Financial Viability Assessment (FVA) is considered to lack basic information considered essential to the production of an FVA. The NPPG places the onus on the developer to prove why its scheme cannot comply with the Council’s planning policies.
- 7.74 The report reflects an ‘Existing Use Value (EUV)-plus’ approach to establishing a site benchmark value. It relies on an assumption that the existing industrial building and garages are let and income-producing. No evidence of existing or recent lettings of the property has been supplied. The applicant has provided asking prices for other properties and made no allowance for voids, empty rates liabilities or other outgoings or any tenant incentives, and assumed all the properties are let. This has the effect of overstating the current value.
- 7.75 The FVA provides insufficient information concerning the condition, layout and marketability of the properties on site.
- 7.76 The FVA has included a land owner premium of 15%. The aim of a premium is to incentivise the release of the site by comparison to the other options available to the land owner. In the absence of an option which generates a higher than existing use value it is difficult to see why a premium is justified.

- 7.77 The scheme development costs have been prepared using headline Building Cost Information Service (BCIS) costs. A full elemental cost plan would allow a considerable depth of assessment versus a single line number in an index and therefore provide a much higher level of accuracy.
- 7.78 Very limited analysis has been undertaken of proposed sales values with mostly asking price information used as justification. It is considered in light of the above that it has not been demonstrated within the submitted FVA that on-site affordable housing or a contribution in lieu cannot be provided. Accordingly no S106 legal agreement has been completed to secure a relevant provision or payment. 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.
- 7.79 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.
- 7.80 A contribution of £3956.06 is required to mitigate the increased demand this development will result in. 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.
- 7.81 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.

8 Conclusion

- 8.1 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 benefits of the proposal in providing additional housing do not outweigh the significant and material harm identified as a result of this proposal and the application is therefore recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

- 01. The applicant has failed to demonstrate through a suitable appraisal that it is no longer be effective or viable to accommodate the continued use of the site for employment purposes in the short, medium and long term, and that the alternative use would give greater potential benefits to the community and environment than a continued employment use. This is unacceptable and contrary to the National Planning Policy Framework, Policy CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).**

- 02. The proposed development by virtue of its layout scale and design relative to the site boundaries and neighbouring built form would be cramped and contrived, incongruous and materially harmful to the appearance, visual amenities and quality of the surrounding townscape. This is unacceptable and contrary to the National Planning Policy Framework (2019), 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 Southend-on-Sea Design and Townscape Guide (2009).**
- 03. The proposed buildings by virtue of their layout scale and design relative to the site boundaries and neighbouring dwellings would be unduly dominant and overbearing to neighbouring occupiers, and would lead to a material loss of outlook. The layout design and proximity of the development would also lead to a material loss of privacy. This is unacceptable and contrary to the National Planning Policy Framework (2019), 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 Southend-on-Sea Design and Townscape Guide (2009).**
- 04. The proposed development would provide an inadequate level of daylight and poor outlook to occupiers of the ground floor flats at Block B and would provide an inadequate quantity and quality of usable outdoor amenity space together with a substandard setting for the proposed dwellings. In addition, refuse storage would be inadequate and there would be insufficient off-street car parking to meet the needs of occupiers. On this basis the development would provide inadequate living conditions for future occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**
- 05. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).**
- 06. The proposed development would fail to meet acceptable standards for new dwellings as it fails to demonstrate that it would be appropriately accessible and adaptable for all members of the community in accordance with the requirements of the Building Regulations M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM8 of the Development Management Document (2015).**

10 Informatives

- 01. 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.**
- 02. 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.**