

Reference:	19/00600/FUL	
Application Type:	Full Application	
Ward:	West Leigh	
Proposal:	Demolish existing garages and utility building and erect building comprising of 6 self-contained flats, lay out parking, cycle storage, refuse store and amenity space	
Address:	Land to Rear Of Highlands Court London Road Leigh-On-Sea	
Applicant:	Hollowell Ltd	
Agent:	Plainview Planning Ltd	
Consultation Expiry:	09.05.2019	
Expiry Date:	06.06.2019	
Case Officer:	Robert Lilburn	
Plan Nos:	CW-0103-001 Site Location Plan, CW-0103-010 Proposed Block Plan, CW-0103-100 Existing Floor Plans, CW-0103-105 Existing and Proposed Site Entrance Plans, CW-0103-110 Proposed Ground Floor Plans, CW-0103-111 Proposed First Floor Plan, CW-0103-112 Proposed Roof Plan, CW-0103-200 Existing Elevations, CW-0103-210 Proposed Elevations, CW-0103-310 Existing and Proposed Sections, 19142-D3-01 rev.07 Landscape Concept Plan 01	
Recommendation:	REFUSE PLANNING PERMISSION	

2 The Proposal

- 2.1 The proposal is for a two-storey building comprising six one-bedroom flats, following demolition of the garage block and utility block. It would occupy the footprint of the existing garages. The submitted plans indicate an additional kerbed or otherwise distinguished perimeter area some 1.5m beyond the front face of the proposed building. The submitted design statement and landscape plan indicates that shrub and hedge planting would partly occupy this area in front of the flats.
- 2.2 The submitted plans indicate that the building would be finished externally in a light coloured brick, with recessed detail. Timber cladding is indicated but this has not been shown clearly on the submitted plans. The flats would have large feature windows to the front, and high-level slot windows to the rear at first floor only. The building would have a monopitch roof. Photovoltaic panels are proposed to the roof.
- 2.3 Additionally, the development would involve the laying out of eight car parking spaces on the site of the existing utility building including reconfiguration of two existing spaces. The development would be accessed via the existing vehicular access for the entire Highlands Court development, and the hammerhead turning area would not be altered in layout. Five existing car parking spaces near the site entrance at London Road would be relocated slightly to accommodate additional pedestrian access and soft landscaping.
- 2.4 New covered cycle parking would be situated within the existing landscaped amenity area providing storage for 24 cycles in four stores. The applicant describes this as a feature of the development. The existing utility building which serves the site would be replaced by a single-purpose refuse store for the existing and proposed flats (44 flats), a few metres to the south-east of its present position resulting in the loss of part of the existing landscaped amenity area. The submitted plans also show an integral utility room at the ground floor of the proposed building, and that an existing electrical substation adjacent to that would be retained.
- 2.5 The proposals also incorporate reconfiguration of the communal amenity area with soft landscaping and rationalised pathways. The submitted details have indicated that additional tree planting is envisaged. The applicant states in their submitted planning and design statement that the road surfacing at the hammerhead and car-park area would be changed, and together with new soft landscaping this would create a 'home zone' style courtyard environment. The applicant also states that the proposed scheme would give the impression of a mixed use 'home-zone' space and reduce the perception of it being a car-park as at present.
- 2.6 The plans also show that two of the existing trees in the site would be removed; a robinia (T13) and a silver birch (T11). A sycamore (T6) and a eucalyptus (T3) within adjoin gardens to the rear at Gordon Road would be cut back to accommodate the development.

- 2.7 The proposed flats would each comprise one double bedroom. The accommodation would measure as follows including gross internal area (GIA):
- Ground floor single-aspect flat (south): GIA 53.6sqm, bedroom 16sqm;
 - Ground floor single aspect flat (mid): GIA 54.4sqm, bedroom 16.3sqm;
 - Ground floor flat (north): GIA 55.2sqm, bedroom 17.7sqm with dual aspect;
 - First floor flat (south): GIA 65.6sqm, bedroom 12.5sqm with high-level rear windows and a balcony measuring some 3.5sqm;
 - First floor flat (mid): GIA 52.4sqm, bedroom 11.75sqm with high-level rear windows and a balcony measuring some 1.6sqm;
 - First floor flat (north): GIA 52.2sqm, bedroom 11.5sqm with high-level rear windows and a balcony measuring some 1.6sqm.
- 2.8 The first floor flats would be accessed via external steps. The proposed balconies would be recessed within the building. The submitted details indicate that the communal amenity area serving the entire Highlands Court development would be available for occupiers of the proposed flats.

3 Relevant Planning History

- 3.1 14/01475/TPO: Prune 1 Oak Tree (T1) and 1 Ash Tree (T2) at land to the west boundary of Highlands Court (Works to trees covered by a tree preservation order). Consented.
- 3.2 11/00859/AD: Application for approval of details pursuant to Condition 02 (Material Samples), 03 (Landscaping Scheme), 04 (Planting Plan) , 08 (Renewable Energy) and 09 (Sustainable Drainage Scheme) of planning permission 09/00950/FUL allowed on appeal 19/03/10. Approved.
- 3.3 09/00950/FUL: Erect 3 storey block comprising 6 self-contained flats with balconies, lay out parking space, cycle and refuse store and amenity area. Appeal allowed.
- 3.4 07/01686/FUL: Erect 3 storey block comprising 9 self-contained flats with balconies, lay out parking spaces, cycle and amenity area. Appeal dismissed.
- 3.5 01/01106/FUL: Erect fourth floor extension to form two penthouse flats (Amended Proposal). Approved.
- 3.6 01/00144/FUL: Erect fourth floor extension to form two penthouse flats. Refused.

4 Representation Summary

Public Consultation

- 4.1 105 neighbouring properties were notified and a site notice posted. Letters of representation have been received from 21 addresses, as follows:

Design

- Design does not reflect surroundings;
- Design would not enhance the character of area;
- Functional design like a prison;
- Site will resemble a car park;

- Out of keeping in the suburban area;

Neighbour amenities

- Too close and tall next to neighbouring gardens;
- Overlooking of gardens to rear;
- Perceived loss of privacy to gardens to rear;
- Appearance and proximity of roof and solar panels to houses behind;
- Visual impact of solar panels;
- Daylight and overshadowing to gardens and houses at rear;
- Sense of enclosure to properties at Gordon Road;
- Flooding and surface water run-off;
- Harm to living standards and amenities of existing surrounding residents;
- Overlooking to residents at Highlands Court blocks;
- Loss of light to Highlands Court flats;
- Loss of views and visual impact to the existing blocks at Highlands Court;
- Imposing, overbearing, visually oppressive, unneighbourly and intrusive development triple the height of existing;
- Light pollution from the building to nearby residents;
- Overdevelopment of site;
- Noise from residents;
- Loss of amenity space;
- Effect on security of neighbouring gardens;
- Noise and dust from building works;
- Safety concerns of windows on boundary;
- Effect of construction on health of residents;

Highway safety, traffic and car parking

- Existing car parking demand outstrips supply with kerb parking;
- Insufficient on-site parking;
- Effect of parking, additional traffic and construction including storage on general and emergency vehicle access;
- Existing parking congestion within the site;
- Effect of development on accessibility of retained parking bays;
- Construction impacts including access and parking;
- Plans do not show accurate dimensions relating to car park and manoeuvring space;
- At present ten designated spaces are shared by thirty flats, some people do park in the garages too and the proposal will worsen the parking congestion;
- Parking stress to nearby streets;
- Effect on service access and risks to pedestrian safety;
- Current spaces are too small for modern cars;
- No visitor parking proposed;
- Elderly occupiers at present would not wish to lose a parking space to take up a bicycle;

Living conditions

- Insufficient amenity space;
- Loss of mature trees and shrubs;
- New flats overlooked, and light blocked in both directions to and from existing;
- Insufficient amenity space;

- Home zone style courtyard unachievable;
- Communal space not easily accessible to occupiers;
- Pressure for public services locally, dentists, doctors and schools;

Sustainability

- Concerns relating to drainage;
- Bats have been seen near the garages;
- Misrepresentation of trees and shrubs adjacent;
- Loss of trees and wildlife areas;
- Badgers are thought to be found locally;

Other matters

- Overdevelopment of the area which is already overdeveloped;
- Effect on house prices locally;
- Inaccurate claims in application, lawn areas would be reduced;
- Restrictive covenants would be breached;
- Disruption and difficulty in dealing with old bomb shelter;
- Squeezing land for profits;
- No substantive public engagement by developers;
- Not a mix of unit sizes;
- Applicant is a dissolved company.

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.

Leigh Town Council

4.3 Leigh Town Council resolved to object to the application as it increases the number of units to 44 and increases the parking stress in an overall development that does not meet the parking standards under the Development Management Document. Additionally there are no immediate alternate parking facilities in the area as restrictions apply to the main London Road and nearby residential parking is already suffering with extensive parking stress. The proposal manipulates 6 additional spaces to make a total of 29 parking spaces for 44 units. In the Town Council's opinion, the garages and utility building should be demolished but only to create 29 parking spaces for the existing 38 units.

Environmental Health

4.4 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;
Since the application is on the London Road with increased road traffic noise, therefore all habitable rooms shall meet BS 8233:2014 internal noise levels, so as to mitigate road traffic noise impact on future residents.

Highways

4.5 6 car parking spaces have been provided, one for each dwelling, which is policy compliant. Cycle storage has been provided with associated refuse storage. Concern is raised regarding vehicles manoeuvring within the proposed parking area. A 6m clearance in front of a parking space is required to allow vehicles to manoeuvre effectively. The proposed plan only shows 5m of clearance.

It is considered that this is not sufficient to allow vehicles to manoeuvre effectively when using the allocated parking spaces. Therefore a highway objection is raised.

Waste Management

No information about how the recycling and waste collections will work, from issues ranging from where the Refuse Collection Vehicles are expected to park up to provide collections or how recycling facilities will be promoted and encouraged within the development (and the issues in between such as accessibility for crews and residents, carrying distances, turning circles and bays, etc.). A waste management plan should be supplied, as this will also take into account the types of paving/road surfaces proposed, and whether block paving would be suitable taking into account the vehicle dimensions and turning circle requirements which are outlined in the Borough Council's guidance.

Cadent Plant Protection

- 4.6 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

Essex and Suffolk Water

- 4.7 Our records show that we do not have apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection for the new dwellings is made onto our Company network for revenue purposes.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision)
- 5.3 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) DM7 (Dwelling Mix, Size and Type) DM8 (Residential Standards) DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 CIL Charging Schedule (2015)
- 5.6 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

- 6.1 The key considerations in relation to this application are the principle of the development, its design and impact on the character of the area, impact on amenities of existing residents, living conditions for future occupiers, traffic/transport considerations, sustainability considerations and CIL.

7 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2019), Core Strategy (2007) Policies KP1, KP2, CP1, CP3, CP4 and CP8, Development Management (2015) Policies DM1, DM2, DM3, DM7, DM8, DM10, DM11 and DM15, and the advice contained within the 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 applicant has stated that they own the whole site and that the garages are below the size standards accepted by the council as suitable for car-parking. The applicant has also stated that the garages are let individually, are predominantly used for storage purposes and are not directly connected to the flats at Highlands Court.
- 7.6 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.
- 7.7 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.
- 7.8 This is a relatively sustainable location for development which conforms to the prevailing land use around it. The development would add to the supply of dwellings in Flood Zone 1.

- 7.9 Given the small size and ancillary character of the garages, notwithstanding their relationship to Highlands Court, it is considered that they do not represent a commercial storage use. The garages are lock-ups and do not constitute employment land. Therefore the loss of the garages is not objected to with respect to Policies CP1, DM10 and DM11 as there would not be a material loss of B class employment land.
- 7.10 The proposed re-use of the site for a conforming use is considered acceptable as a matter of broad principle.
- 7.11 However the acceptability of the proposal is dependent on the detail of how the development would relate to its surroundings, and the quality of accommodation in consequence, and these are considered below.

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)

- 7.12 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”*.
- 7.13 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.
- 7.14 The development would occupy the footprint of an existing building. The siting and layout of the building would reflect the extent of the existing built form. The re-sited refuse store and cycle facilities would be ancillary features and would not materially alter the grain of development. The addition of soft landscaping, and reconfiguration of hardstandings to create a ‘home-zone’ style courtyard are in principle acceptable aspirations from a residential design viewpoint. The re-siting of the utility block to make for way for additional parking would lead to the loss of some 20-30sqm of soft landscaped space including a small tree. The cycle storage structures and hard landscaping around would also incur a loss of soft landscaped space. This would have a negative impact on the character and quality of the site.
- 7.15 The proposed building would be some 8m in height at its front elevation facing in to the courtyard of Highlands Court. It would measure some 6m in height to the rear elevation facing towards the rear of the houses at Gordon Road. As a result of the proposed monopitch roof design, the height of the building at the front would be similar to the height of the nearby three story apartment buildings at Highlands Court whereas the rear of the building would respond to the scale of the semi-detached houses behind. This change of scale would reflect the transition between the two storey houses at Gordon Road and the three-to-four storey flats at Highlands Court.

- 7.16 The proposed detailed design to the front elevation would be relatively simple and would include some variation in the relief of the brickwork, as well as the rhythm of the built form. The large windows would be a characteristic feature. Proposed external materials have been indicated and are acceptable in principle; full details would be required as a condition should the application be found acceptable. However, the detailed design to the rear would be poorly articulated. It would be very functional in appearance prominent in views from rear gardens in Gordon Road. This is on balance unacceptable and contrary to character and design policies.

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)

- 7.17 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.
- 7.18 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.
- 7.19 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*”.
- 7.20 The proposed building would introduce additional occupiers to the residential area. The site is somewhat secluded and not presently in residential occupation; it is associated with a relatively intensive existing residential use given the Highlands Court flats.
- 7.21 The six flats would create some additional noise from general occupation and from the comings and goings of these additional occupiers in the area. However the site is within the built-up area and in keeping with the general nature of development.
- 7.22 The proposed development turns its back on the private gardens to its immediate rear. The proposed high-level rear slot windows would be some 2m above the associated finished floor level internally. Although they would serve habitable as well as non-habitable spaces, and would back immediately on to the rear gardens of houses at Gordon Road, their size and position in relation to the internal configuration of the proposed flats would preclude any material harm arising from breakout of internal noise and activity.
- 7.23 On the basis of the above the siting and design of the proposed building and the introduction of new occupiers would not be materially harmful to surrounding occupiers in terms of noise and disturbance. Impacts of light from the rear or front windows would not be such as to be materially significant.

- 7.24 The proposal would enclose the courtyard at Highlands Court to a material degree. At some 8m the front of the building would be relatively tall, almost matching the height of the existing three storey blocks. The development would for this reason be a dramatic change within the courtyard. It would however correspond with the scale of the existing buildings and would be reasonably removed from primary sources of outlook at the existing flats to preclude a materially harmful sense of enclosure, loss of outlook or otherwise harmful visual impact that would alone warrant a refusal of planning permission.
- 7.25 However it is noted that the near three storey scale and bulk of brickwork at the front, some 8m tall, would have a strong visual impact and this is considered a negative feature. This analysis takes into consideration the fact that the Courtyard at Highlands Court is a communal area rather than a secluded private amenity space, that the front of the building includes large windows and would be an active frontage with a degree of nuance in the detailed design.
- 7.26 To the rear the proposal would present a 6m wall and its monopitch roof rising to 8m at the end of the gardens of nos.17-27 Gordon Road where currently there is a garage block of some 3m in height. These gardens are some 18m in length, taking into account rear extensions, with some domestic outbuildings and trees at the rear. The applicant's submitted arboricultural survey indicates that some trimming work would be required to two of these trees.
- 7.27 This relationship would not be dissimilar to the arrangement of the side elevation of no.50 Bailey Road to the rear of no.45 Gordon Road, although the proposed building would be significantly longer. There would therefore be a visual impact and some sense of enclosure arising from the development. The site is a transition point between the suburban character of Gordon Road and the more built-up high street setting of London Road.
- 7.28 There would be some loss of outlook and increased sense of enclosure experienced when viewed from the dwellings and private amenity space to the rear. As noted the gardens to the rear are some 18 metres in length and the site is a point of transition. Therefore this impact should be weighed against the desirability of providing new dwellings subject to other material considerations.
- 7.29 The lack of articulation at the rear would present an unremitting and poor quality feature in close proximity to rear windows and private amenity space at Gordon Road. The harmful impact would be accentuated by the 6m height rising in a short distance to 8 metres.
- 7.30 On balance the functional design and poor articulation of the rear would combine with the length, height and proximity of the proposed building to render the proposal materially harmful in its effect on outlook and its general visual impact to the dwellings and private amenity space to the rear at Gordon Road.
- 7.31 In relation to overlooking and privacy, the flats would look into the courtyard where there is already a degree of inter-visibility between flats and spaces. The separation distances are considered to allow for adequate to window-to-window distances, being some 20m at minimum to the main block of Highlands Court.

- 7.32 There would be a 12m window-to-window distance from the northernmost of the proposed flats to the secondary habitable rooms at the secondary block of Highlands Court. As the affected existing windows are secondary small windows, this is considered an acceptable relationship. There would also be some overlooking to the side of the balconies on the rear block at Highlands Court and the first floor would be particularly affected. However these are at the front of the building and already subject to wider views; it is considered on this basis that the inter-visibility arising would not be out of character or materially harmful.
- 7.33 The applicant has allowed for screening to the rear of the external steps and utilised high level slot windows at the rear. It has not been made clear if these windows are to be fixed shut. The opening method, if any, of these rear windows could be controlled through a condition if the scheme were found acceptable, to control potential for a perceived loss of privacy. The siting and design of the proposed building is such that it would not lead to a material degree of overlooking or loss of privacy to surrounding occupiers.
- 7.34 The proposed apartment building would be aligned on a generally north-south axis, and its position and alignment in relation to surrounding houses and flats would preclude any materially significant degree of overshadowing or loss of daylight to surrounding residential occupiers. The proposed replacement utility block would be some 6.7m to the north of flats at Highlands Court, and some 9m in length, whereas the existing is situated some 13m distant and positioned end-on to the nearest flats.
- 7.35 No elevations of the proposed utility block have been supplied and its method of construction has not been specified, however the plans indicate it would be single storey. Notwithstanding the absence of elevations, which would be necessary to issue a positive decision on the application, it is considered that the proximity and length of the store would be materially harmful to the outlook of the nearest ground floor accommodation at Highlands Court.
- 7.36 As noted above the layout would involve the loss of soft landscaped amenity space. This would be detrimental to living conditions and is considered a negative aspect of the scheme. In conclusion it is found that the proposed development would on balance not be acceptable and not policy compliant in relation to the amenities of immediate neighbours. Further consideration of impacts on the surrounding area, for example in relation to parking and transportation is made below.

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)

- 7.37 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.
- 7.38 As noted above the existing garage spaces which would be lost are described by the applicant as measuring an average of some 5.81m by 2.64m. At section 7.12 the Development Management Document (2015) states that a garage measuring below the adopted standard of 7m by 3m will not be considered or counted as a parking space.
- 7.39 The submitted plans shows six proposed additional off-street car parking spaces within the existing curtilage of Highlands Court, accessed via the existing vehicular access. The spaces would each measure some 5.5m deep by 2.85m wide.
- 7.40 The submitted plans show that the development would not lead to a net loss in the quantum of car parking spaces at the site. The proposal would not cause a net worsening of the existing identified shortfall in parking in relation to the existing Highlands Court, and would provide car parking to meet the needs of the occupiers of the proposed development. The quantum of off-street car parking proposed is acceptable and policy-compliant.
- 7.41 The applicant has described that the proposed development would benefit from soft landscaping and a reconfiguration of hard surfacing at the site. They have described that this would take the setting of the flats from a car-dominated surrounding to a home zone-style courtyard.
- 7.42 The application has been accompanied by a landscaping concept plan. This has shown that it is proposed to select a contrasting road surface to the hammerhead turning area to prioritise pedestrian use by giving the impression of a ‘home-zone’ style courtyard.
- 7.43 In addition a reinforced gravel strip would be aligned along the front of the proposed flats, to delineate defensible space between the flats and the car park and vehicular access. The submitted landscape plan shows that the strip would be 1.2m wide and would include hedge planting to the front of the building. The applicant describes that the strip would allow for large vehicles turning and would also deter pedestrians from walking in front of the flats.
- 7.44 The submitted landscape plan shows that following the development two of the existing car parking spaces would have a clearance of as little as some 4.5m from the north corner of the building. The submitted ground floor plan shows a 5m clearance. As stated by highways a 6m clearance is required to allow vehicles to manoeuvre effectively and safely. A 6m clearance would be available to all but two of the nearest spaces only with use of the proposed gravel strip in front of the flats.

- 7.45 It is noted that the existing clearance from the same spaces is curtailed by the existing garage block. Therefore these spaces already suffer from a shortfall in clearance, which according to the submitted plans is as little as some 4.9m.
- 7.46 The spaces affected are situated within the private car parking court and are remote from the public highway. The impact of a shortfall in manoeuvring space is therefore lessened. The spaces appear to be used at present and the proposal would have a marginal impact on their useability. In light of this and giving weight to the existing situation, the arrangement as proposed while a negative feature of the development would not on its own represent a reason for refusal from a highways perspective, on balance. The proximity of manoeuvring to the sole source of outlook would however have some effect on occupiers of the ground floor flats, and this is discussed further below.
- 7.47 The applicant has stated that the quality of the living environment would be changed by the characteristics of the car park and turning area. Further to this the submitted plans show that road surfacing at the hammerhead would be selected to prioritise pedestrian use by giving the impression of a 'home-zone' style courtyard.
- 7.48 The proposed cycle stores are satisfactory in quantum of cycle parking, but are somewhat distant from the proposed flats and would not be satisfactory from a security viewpoint. Policy DM15 requires that cycle storage is safe, secure and covered and this would require a more robust solution. It is considered that this could be conditioned without further material impacts if the proposal is otherwise found acceptable.

Living Conditions

National Planning Policy Framework (2019), Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 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)

- 7.49 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.
- 7.50 The submitted Design and Access Statement describes existing site as 'car dominated' (para.3.2) and expresses the intention to create a home-zone style courtyard, reducing the perception of the site as a car park. It states that road surfacing would be changed (para.3.5) to achieve this as well as the introduction of soft landscaping.
- 7.51 However, the site currently suffers from high parking demand and manoeuvring constraints. It is therefore considered unlikely that within the proposed scheme the site can be reconfigured to a degree that would allow for a materially significant change in its car-dominated character. It is considered that this would be a negative aspect of the proposal, as it would impact on outlook for occupiers of the flats at ground floor in particular. The harmful effect would be accentuated by the loss of existing landscaping within the site.

- 7.52 It is considered on the basis of the submitted plans that the laudable intention to create a home zone style courtyard would be unrealistic and the failure to do so would provide for poor living conditions. It would not be reasonable to apply a condition to seek to ensure the carrying out of such a scheme. The development would not add to the overall quality of the area, with a high standard of amenity.
- 7.53 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.
- 7.54 The National Housing Standards state that for a one-bedroom, two-person flat a gross internal floor area (GIA) of 50sqm is required to ensure the development is in line with Building Control requirements. The Standards require that in order to provide two bed spaces, a room must have a floor area of at least 11.5sqm.
- 7.55 The proposed flats would exceed these standards. The flats would include reasonable daylight levels by virtue of large windows to the west elevation in particular. Additional daylight would be available to four of the flats through secondary high-level and small side windows. Outlook would be available but as noted the ground floor flats would be affected a by a car-dominated immediate setting. Bearing in mind the proximity of the car parking spaces, with limited clearance, vehicles would manoeuvre in close proximity to occupiers' sole source of outlook at the ground floor with associated noise, vibration, fume and outlook impacts as well as a general sense of intrusion.
- 7.56 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*".
- 7.57 The proposed development includes small balconies to the three first floor flats. The submitted plans show that the development would have a materially harmful impact on the quantum of soft-landscaped areas within the site. Occupiers would have access to the outdoor space existing at Highlands Court and given the generous internal sizing of the flats together with not being family-sized accommodation this quantum of provision is on balance considered acceptable, although as noted the loss of soft landscaping would have a qualitative impact. It is considered that it would not prejudice reasonable enjoyment of the space by existing occupiers.
- 7.58 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.
- 7.59 The applicant has not specified M4(2) compliance. It is not clear that the proposed flats could meet the standards and the application is therefore unacceptable in this regard. It would not be reasonable to condition this issue in the circumstances proposed.

- 7.60 Policy DM8 specifies amenity standards including cycle storage and refuse storage. Cycle storage has been shown on the submitted plans and although the details shown are not acceptable, as they are not fully secure, a suitable scheme could be required through a condition on any grant of planning permission without creating new material impacts on occupiers. Refuse storage has been shown on the submitted plans.
- 7.61 The proposed refuse store would be some 40sqm in floor area, some 15sqm larger than the existing. The applicant has shown segregated waste and wide doorways with dual access. The proposed refuse store would be situated some 60m from the northernmost existing block at Highlands Court, whereas at present it is some 40m walk away. This carry distance would be more than the 30m prescribed by the Council's Waste Storage and Collection Guidance (adopted 2019). 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 the proposed flats, and the suitability of refuse storage arrangements.

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)

- 7.62 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the dwelling house, where feasible, should be provided by renewables in order to meet Policy KP2.
- 7.63 The applicant has indicated solar panels to the west facing roof slope. A suitable condition could be imposed in the event of a grant of planning permission to ensure the proposal complies with Policy KP2 of the Core Strategy.
- 7.64 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). This requirement could be dealt with by condition in the event of a grant of planning permission.
- 7.65 A representation has stated that badger setts may be present near the site. The NPPF states that local planning authorities should aim to conserve and enhance biodiversity. Some soft landscaping would be lost and this is a negative aspect. However it is considered that given that the application relates primarily to an area of hardstanding and garage block the development would not have a materially harmful impact.
- 7.66 A representation has stated that bats have been seen near the site. Given the relatively intact condition of the garages, it is considered less likely that bats would be present. On this basis it is considered that the absence of an ecological survey should not prevent a grant of planning permission. However, it is considered appropriate that any planning permission is conditional upon an ecological assessment and implementation of any recommended mitigation measures.

- 7.67 The submitted arboricultural assessment recommends removal of two trees and some cutting back of trees to the rear. None of the trees are of high amenity value and subject to appropriate landscaping it is considered that this would not be a bar to a grant of planning permission.
- 7.68 It is considered that the proposal would be acceptable and compliant with the objectives of the above-noted policies in regard to sustainability.

Community Infrastructure Levy (CIL)

CIL Charging Schedule (2015)

- 7.69 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that the proposed development is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The benefits and positive and neutral aspects of the proposal do not however outweigh the material harm identified and the application is therefore recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

- 01. The proposed development would, by virtue of the size and siting of the building coupled with the functional and poorly articulated design of the rear elevation, harm the outlook of and appear visually intrusive for the occupiers of the immediate rear, 17-27 Gordon Road. 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).**
- 02. As a result of the constrained manoeuvring space, and the necessary proximity of vehicle movements to the main outlook of the ground floor flats, and the reduction in soft landscaping, the development is considered to not offer a suitable standard of outlook and would cause harmful levels of noise and disturbance to occupiers of the proposed single aspect ground floor flats to the detriment of their amenity. 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).**

- 03. Notwithstanding the failure to provide an elevation, the proposed refuse store would materially harm the outlook of occupiers of the existing accommodation at ground floor of Highlands Court by virtue of its size and proximity together with the associated loss of soft landscaped space. The store would be sited a carry distance of some 60m from the northernmost flats at Highlands Court and this would encourage ad-hoc presentation of waste elsewhere within the site. The proposal is therefore found harmful to living conditions of existing and future occupiers at the site. 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).**
- 04. 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) 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).**
- 05. The proposed development by virtue of its layout, scale and design relative to the site boundaries and neighbouring built form would be cramped, contrived and 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).**

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.**