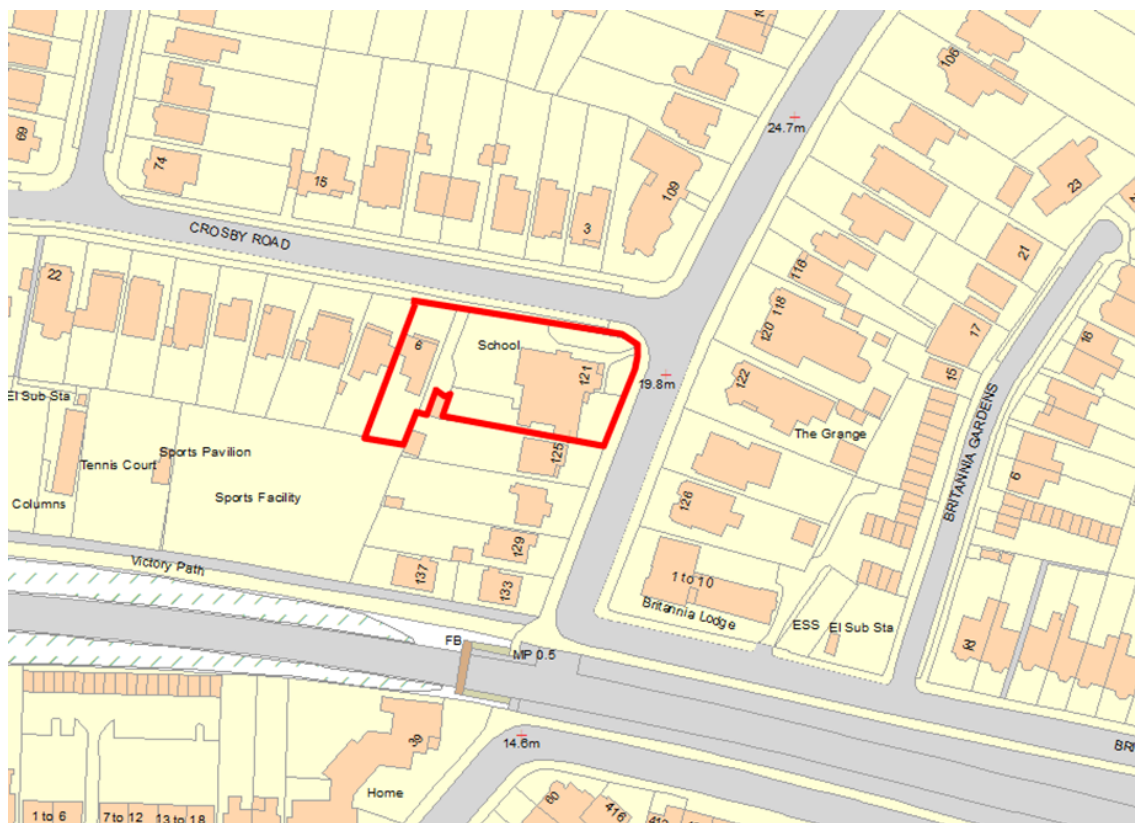


Reference:	19/00534/FULM		
Ward:	Chalkwell		
Proposal:	Demolish existing buildings, erect part 2.5 storey/part 3.5 storey building comprising of 18 self-contained flats, layout parking including underground parking, hard and soft landscaping and alter existing vehicular access on to Crosby Road (Amended Proposal)		
Address:	Crowstone Preparatory School		
Applicant:	BESB Contracts Ltd		
Agent:	DAP Architecture		
Consultation Expiry:	09.05.2019		
Expiry Date:	11.07.2019		
Case Officer:	Charlotte White		
Plan Nos:	773.200.02, 773.206.01, 773.208.02, 773.207.02, 773.002.00, 773.002.00, 773.003.00, 773.004.00, 773.001.01, 773.205.02, 773.201.02, 773.202.01, 772.203.01, 773.204.01		
Recommendation:	REFUSE PLANNING PERMISSION		



## **1.1 Site and Surroundings**

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

- 1.2 The area is largely residential in nature and is mainly characterised by large detached houses, although there are some examples of flats within the vicinity of the site. The scale of the surrounding development is mainly 2 to 2.5 storeys in nature, although anomalous blocks of flats in the vicinity are up to 4 storeys in scale.
- 1.3 The information submitted with the application indicates that the Independent Preparatory School closed in July 2016. The school buildings have already been, quite lawfully, demolished under prior approval (ref. 17/00938/DEM).
- 1.4 The application site has no specific allocation within the Development Management Document proposals map.

## **2 The Proposal**

- 2.1 Planning permission is sought to demolish the existing buildings on the site (already significantly demolished) as well as a rear extension at No.6 Crosby Road and to construct a 2.5 to 3.5 storey block of 18 self-contained flats. Vehicle access will be provided from Crosby Road with parking provided to the south of the site.
- 2.2 The details of the scheme are summarised as follows:
  - Units - 1x 1-bed unit, 14x 2-bed units and 3x 3-bed units.
  - Parking - 18 parking spaces to serve the flats; 1 of which is shown as an accessible space. 18 cycle parking spaces are provided at lower ground level.
  - Amenity space – Each unit is provided with a private amenity area ranging from some 5sqm to 13sqm and a communal raised deck area will be provided.
  - Refuse - A refuse store is proposed at lower ground level accessed from the northern side of the site.
  - Height (max): approximately 13.4m from the streetscene, which due to changes in ground levels increases to a maximum of 16.2m.
  - Width (max): approximately 22.9m
  - Depth (max): approximately 36.5m
- 2.3 In relation to the flats, the floors will include:
  - Lower Ground floor – 1x 2-bedroom flat.
  - Upper Ground floor – 1x 1-bedroom flat and 5x 2-bedroom flats.
  - First floor – 4x 2-bedroom flats and 1x 3-bedroom flat.
  - Second floor – 4x 2-bedroom flats
  - Third floor – 2x 3-bedroom flats.

- 2.4 The information submitted indicates that the development will be finished in a mixture of materials including facing brickwork, render, timber cladding, clay and slate roof tiles and white timber windows and doors.
- 2.5 The application is accompanied by an accommodation schedule, surface water drainage management report, ecological assessment, Design and Access Statement, Noise Report, Arboricultural Impact Assessment Report, Sustainability and Energy Report, Transport Statement, Planning Statement and a Bat Survey.
- 2.6 Planning permission was recently refused under reference 18/00899/FULM to demolish the existing buildings including 6 Crosby Road and to erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road for the following reasons:
1. The proposal would, by reason of its size, scale, bulk, mass, siting and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
  2. The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).
  3. A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
  4. 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 (2018), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).
- 2.7 The main changes proposed as part of this proposal include:
- Number of units decreased from 20 to 18.

- Retention of No.6 with only rear extension demolished and garden reduced in size.
- Scale reduced from 4 storeys to 2.5 to 3.5 storeys.
- Design altered.
- Layout and dwelling mix altered.

2.8 Prior to this planning permission was refused under reference 17/02179/FULM for a larger site, including that subject of the current proposal, to demolish the existing buildings including 6 Crosby Road and erect a three storey building comprising 20 self-contained flats, 6 two storey dwellinghouses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road for the following reasons:

1. The south-western part of the application site constitutes designated protected green space which would be lost as a result of this development. The application has failed to clearly demonstrate that the open space is surplus to requirements or that it will be replaced and the development does not provide an alternative sport or recreation facility to replace the space lost. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policies KP2 and CP7 of the Core Strategy (2007).
2. The proposal would, by reason of its size, scale, bulk, mass, siting beyond the established building line and detailed design, constitute a cramped, contrived and incongruous development that would be harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
3. By virtue of the design, layout and siting of the car parking and access road proposed within the site, the development would result in unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of the neighbouring dwelling at No.125 Crowstone Road. The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
4. A number of the proposed flats would provide unacceptable levels of amenities for their future occupiers by virtue of their inadequate size in terms of internal floorspace and bedroom size, the insufficient outside amenity areas proposed and the poor levels of light and outlook provided to habitable rooms. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
5. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such

housing in the area. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).

6. The submission does not clearly demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community in accordance with the requirements of the M4(2) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM8 of the Development Management Document (2015).

### **3 Relevant Planning History**

- 3.1 18/00899/FULM - Demolish existing buildings including 6 Crosby Road, erect four storey building comprising 20 self-contained flats, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road (Amended Proposal) – planning permission refused.
- 3.2 17/02179/FULM - Demolish existing buildings including 6 Crosby Road, erect three storey building comprising 20 self-contained flats, 6no two storey dwelling houses, layout parking, hard and soft landscaping and extend existing vehicular access on to Crosby Road – Planning permission refused 3<sup>rd</sup> April 2018.
- 3.3 17/00938/DEM – Demolish former prep school and associated buildings (application for prior approval for demolition) – prior approval is required and prior approval is granted.

### **4 Representation Summary**

#### **4.1 Highways Team**

No objections.

#### **4.2 Education Team**

Requests a contribution of £22,040.90 towards Southchurch High School or any other similar projects.

#### **4.3 SuDS Engineers**

No objections subject to conditions.

#### **4.4 Environmental Health Team**

No objections subject to conditions.

#### **4.5 Essex and Suffolk Water**

No objections.

#### **4.6 Anglian Water**

Recommends conditions are imposed.

#### **4.7 Essex Police**

Invite the developer to discuss crime prevention with them.

#### **4.8 Design Officer**

Raises a number of concerns which are incorporated into the assessment of the application.

### **5 Public Consultation**

5.1 A site notice was displayed, the application was advertised in the press and 67 neighbour letters were sent out. 26 letters of representation have been received which make the following summarised comments:

- Residential amenity concerns.
- Overlooking, overshadowing, loss of privacy, including from balconies and amenity deck, overbearing, loss of light and outlook and noise and disturbance to neighbours. Harm neighbour's health, well-being and rights to enjoy a quiet and safe residential environment – Human Rights concerns. Noise and air pollution. Amenity deck crosses 45 degree line.
- Concerns in relation to density and quantity of units proposed. Cramped, contrived and prominent. Forward of the building line, too close to neighbours, impact on streetscene, out of character with the area and visually incongruous. Concerns relating to scale, height, size and mass. Higher and overpowers neighbours, including bungalows in the area. Out of keeping with the pattern of development and urban grain. Crosby Road is predominantly bungalows in large plots providing a spacious feel. Existing flats are not good examples to follow. Concerns relating to the proportions of the building. Balconies are out of keeping and flat roof section is awkward. Detrimental to the local environment. Limited space for landscaping. Loss of green space. Underground car park and acoustic fence are out of keeping. Limited buffer between car park and buildings and boundaries.
- Overdevelopment, oversized and town cramming. Underground parking is a sign that the site is not large enough to accommodate the development.
- Inadequate parking for occupiers, visitors and trade vehicles. Concerns relating to an increase in congestion, traffic and on-street parking. Parking restrictions imminent in Crosby Road. Insufficient parking for existing residents. Transport Statement relies on out of date data from 2011 census and concerns are raised regarding the trip generation methodology. Crosby Road and Crowstone Road suffer parking stress and are busy rat-runs and suffer parking from commuters and visitors to the seafront, Chalkwell Park, the tennis clubs, neighbouring elderly and nursing homes and a local church. Highway safety concerns and concerns relating to traffic accidents. Inadequate public transport. Owners likely to have 2 cars. Concerns relating to emergency service access and ability of larger vehicles to gain access due to narrowness of roads. Changes to the access will result in the loss of on-road parking. Concerns relating to the loss of double yellow lines which will cause viability issues.
- Concerns relating to the loss of the garden to No.6 Crosby Road which is not brown field land, in design and visual terms and impacts on the living conditions of the occupiers. Link road to playing fields to enable further building would cause further overdevelopment in the future. Concerns

relating to possible future applications on playing fields which is used by badgers and should be protected for the community. Playing field is not being well kept.

- Unacceptable dwelling mix. Loss of family dwelling.
- No affordable housing provisions.
- Some of the proposed flats only have north facing windows. Balconies are cramped and insufficient for families. Frontages cannot be classed as usable amenity space. Concerns relating to the size of some of the flats and lack of outlook from rooflights.
- Privately owned garages by Nos 125 and 127 Crowstone Road cannot be removed. Development of parking and access will harm the owners of these buildings.
- Concerns relating to drainage. No provision for increasing capacity of sewer. Flooding occurs in the area. Remedial waste water drainage works have just been completed – no provision for increasing the capacity so could cause more problems. Surface water flooding issues. Query if there is a watercourse under the land.
- Number of proposals for flats in area already.
- Concerns relating to ground stability and subsidence.
- Contrary to planning policy.
- Previous applications submitted. Not an improvement over previous applications and the issues previously raised have not been addressed.
- Sets a precedent.
- Impacts on rights of way. Concerns relating to loss of access gates.
- Disappointing previous buildings have already been demolished.
- Concerns relating to description of development as 2.5 to 3.5 storeys which is misleading. Concerns that there are inaccuracies and misrepresentations in the application.
- Concerns relating to adequacy of ecology report submitted.
- Loss of views.
- Council has 6 years land supply so no requirement for scheme.
- Covenant that land must be used for a single dwelling has been ignored.
- A number of neighbours suggest a smaller scheme of flats or houses would be more appropriate.
- Developer profits.

5.2 Officer comment: The comments made have been considered in the determination of the application. The matters that do not form the reasons for refusal, as set out in section 10 of the report, are not found to represent a reasonable basis to reuse planning permission in the circumstances of this case.

## **6 Planning Policy Summary**

6.1 National Planning Policy Framework (NPPF) (2019)

6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

6.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 Development Control Report

(Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), and DM15 (Sustainable Transport Management)

6.4 Design & Townscape Guide (2009)

6.5 Planning Obligations (2010)

6.6 Waste Storage, Collection and Management Guide for New Developments (2019)

6.7 Community Infrastructure Levy CIL Charging Schedule (2015)

6.8 National Technical Housing Standards (2015)

6.9 National Planning Practice Guide

## **7 Planning Considerations**

7.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, developer contributions and CIL (Community Infrastructure Levy). The planning history is a material consideration in the determination of this application. It is noted that the NPPF has been updated since the determination of the previous applications, however, it is considered that the policy context has not significantly altered since the previous, most recent applications were determined.

## **8 Appraisal**

### **Principle of the Development**

*Loss of a School and the principle of residential development:*

8.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

8.2 The site is located within a residential area and largely constitutes previously developed land. Amongst other policies to support sustainable development, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes.

8.3 Policy KP1 of the Core Strategy identifies a need to deliver 6,500 net additional dwellings in the period 2001-2021 within Southend. Policy KP2 of the Core Strategy requires all new development to *make the best use of previously developed land; to ensure sites and buildings are put to best use.* Policy CP8 of the Core Strategy requires the *'provision of not less than 80% of residential development on previously development land (brownfield sites).'*

8.4 Paragraph 94 of the NPPF states that *'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities'.*



- 8.5 Policy CP6 of the Core Strategy states that developments should support *'improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies...[and] safeguarding existing and providing for new leisure, cultural, recreation and community facilities...'*
- 8.6 The school closed in July 2016. The application has been submitted with a letter from Ayers and Cruiks (a Local Estate Agents) which indicates that the private school closed due to it being financially unviable. The letter indicates that there has been a succession of small private schools closing in Essex, including the Former St Hildas School in Westcliff-on-Sea which closed in July 2014.
- 8.7 In this respect the constraints of the site are noted; it is a small site for a school and surrounded by residential development. The school was closed some time ago and this was a private, preparatory school and as such would have served only a very limited part of the community. It is also noted that prior approval has already been granted for the demolition of the school buildings and that the school buildings have been substantially demolished, quite lawfully. No objection is therefore raised to the principle of the loss of the school use and its redevelopment for housing. It is also noted that no objection was previously raised to the principle of the loss of the school site and its redevelopment for residential purposes under the previous applications; references 17/02179/FULM and 18/00899/FULM.

#### *Dwelling Mix*

- 8.8 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	5%	78%	17%	0%

- 8.9 The proposed development mainly provides 2-bedroom units, however, some 3-bedroom units are proposed. Whilst the scheme does not exactly reflect the requirements of Policy DM7, on balance, the dwelling mix proposed is considered acceptable and no objection is therefore raised on this basis.
- 8.10 Other material considerations such as design and the impact on the amenity of adjoining residents are discussed below.

#### **Design and Impact on the Character of the Area**

- 8.11 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework and Core Development Control Report

Strategy Policies KP2, CP4 and CP8.

- 8.12 Paragraph 124 of the NPPF states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 8.13 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 8.14 Policy DM3 states that *"The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification."* Moreover, policy DM1 states that development should *"Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features"*.
- 8.15 The information submitted with the application states *'The development takes the form of two 'blocks'...this ensures that the development does not appear as one large building but as separate buildings similar to the existing. The development faces both Crowstone Road and Crosby Road, creating a strengthened street-scene and building line.'*
- 8.16 The surrounding area is mainly characterised by fairly large detached houses, generally of individual styles, but similar characters, that are characteristically 2 to 2.5 storeys in scale, the majority of which have hipped roofs, providing a spacious character to the area. There are two buildings in the area which stand out from this established character; Sunningdale Court which is a 4 storey block of flats to the north of the site and Britannia Lodge to the south-east of the site which is a three storey block of flats.
- 8.17 In terms of scale, the block of flats proposed wraps around Crosby Road and Crowstone Road. It is 3.5 storeys on this corner, reducing to 2.5 storeys in Crosby Road. The block of flats has been partially set into the ground creating a lower level in part. Whilst the scale has been reduced compared to the previous refused schemes, the scale, size and mass of the building is still significant and has a much greater size, scale and mass than the surrounding development overall. Whilst there has been an attempt to break up the block by recessing entrances, its scale and form is still much bulkier than the surrounding buildings and fails to integrate with the streetscene and the bulk of the proposal will still be evident, especially at roof level and in longer views. This is clearly demonstrated within the streetscene elevations submitted (drawing number 773.207.02) The width of the block on Crosby Road is significantly wider than the surrounding plots and as a result, the proposal will appear bulky in this context. On the Crowstone Road frontage the widths are narrower, but the height is significantly greater than the neighbouring

properties and the proposal will not achieve a positive relationship or transition in scale from No.125 Crowstone Road.

- 8.18 It is considered that the proposed development would dominate the streetscene and would be out of character with the existing well-spaced detached family housing. The adjoining dwelling at No.125 Crowstone Road has an eaves height of some 5.5m and a ridge height of some 10.4m and the development closest to No.125 has an eaves height of 7.7m and a ridge height of 12.5m. Whilst the development has been designed to slope away from No.125, given its position on higher ground level than No.125, its greater size, scale and mass, it is considered that the development would dwarf and visually dominate No.125 and would appear unduly bulky and incongruous in the streetscene. The mass and bulk of the development would be accentuated by the forward projection of the large block of flats in front of the established building line on both frontages. The presence of the existing anomalous blocks of flats in the vicinity does not provide any justification for the scale, size and mass of the proposed block of flats. The articulation of the building, provides limited relief to its scale and mass.
- 8.19 The development is located materially forward of the established building line in Crosby Road and Crowstone Road. Crowstone Road benefits from a staggered building line and as such the forward siting in Crowstone Road would not be objectionable in principle, however, the forward projection serves to heighten the harmfully excessive scale and mass of the bulky development. Equally, the proposed block of flats is located significantly beyond the building line in Crosby Road which is unacceptable and results in a prominent and visually incongruous development. The area is characterised by generous frontages and this proposal, due to its forward position would be at odds with this.
- 8.20 The proposal also includes unacceptable design detailing and is of an unacceptable appearance. When viewed from the south, the blank sides to the gables, which step forward significantly, would have a negative impact on the streetscene. The set-backs of the entrances to the development would result in the street elevations lacking legible entrances and a focus at street level and would be unwelcoming and out of keeping in the area which is characterised by clear frontage entrances often with a feature porch. The west elevation would be prominent in the streetscene given the vehicular access proposed and would appear unresolved with a poor relationship between the significant bulk of the eastern block to the detriment of the visual amenity of the area. The roof includes unresolved elements for example, the slope to the south side and the gablet feature on the north elevation appear out of place. There is also great variation in the gable features, resulting in a lack of cohesion. The scale of the gables/bays lack cohesion, some are too small for the scale of the building and others are too tall in relation to their width which makes them appear elongated and out of proportion. There is no consistency in how the gables and bay relate to the roof, resulting in a number of awkward junctions which constitutes poor design. Overall the scheme has a traditional character, except for the recessed balconies in the gables which are at odds with the character of the development. The lack of step back between the balconies and the largest gables would result in an awkward detail. The balconies that wrap around the corner would be a dominant feature and at odds with other balconies in the area which are more modest and secondary to the bay features. The height of the chimneys is weak in relation to the scale of the roof.

- 8.21 In terms of materials, it is considered that the use of slate roof tiles will be out of keeping with the character of the area. Concern is also raised regarding the extent of the timber boarding proposed. However, a condition could be imposed on any grant of consent in this respect, should the application be otherwise considered acceptable. Similarly a condition could be imposed on any grant of consent requiring full landscaping details.
- 8.22 Taking all these factors into account, it is considered that the proposed development is contrived and represents an overdevelopment of the site, with the proposed building being of an unacceptable size, scale, mass and bulk that would be materially out of keeping with the scale and appearance of the mainly 2-storey adjoining dwellings. The building is located materially forward of the established building line, creating an overly prominent and incongruous development and includes unacceptable and poor design detailing. The development is therefore of a poor design that, in failing to respond satisfactorily to the site circumstances and by failing to suitably reference the urban grain, is out of keeping with and would result in material harm to the character and appearance of the area.
- 8.23 The development is therefore unacceptable and contrary to policy and the application is recommended for refusal on this basis. The revised scheme has failed to overcome the concerns raised in this respect in the previous submissions.

### **Standard of Accommodation**

- 8.24 Paragraph 127 of the NPPF states *'Planning policies and decisions should ensure that developments...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...'* It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:
- Minimum property size for residential units shall be as follow:
    - 1 bedroom (2 bed spaces) 50sqm
    - 2 bedroom (3 bed spaces) 61sqm
    - 2 bedroom (4 bed space) 70sqm
    - 3 bedroom (5 bed space) 86sqm
    - 3 bedroom (6 bed spaces) 95sqm
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
  - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
  - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

8.25 The following is also prescribed:

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

8.26 The application has been submitted with an accommodation schedule which indicates that all of the units proposed satisfy the minimum requirements of the technical housing standards. However, it is apparent that unit 12 on the second floor, which is a 2 bedroom unit only measures some 58sqm and the bedrooms measure 9.5sqm and 8.5sqm and therefore neither constitute a double bedroom, this is contrary to the technical housing standards which states '*The standard requires that a...dwelling with two or more bedspaces has at least one double (or twin) bedroom...in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.*' As such this unit would be of an inadequate size with inadequately sized bedrooms which weighs against the proposed development.

8.27 All habitable rooms will be provided with suitable fenestration to provide adequate levels of light and outlook. It is unfortunate that the unit on the lower ground floor would have rear windows that open directly onto the parking area, however, they are adjacent to the access road and manoeuvring area rather than a parking space and this room is also served by a side window with a more attractive outlook. As such, whilst this too weighs against the proposal, it is not considered to result in such material harm that a reason for refusal on this basis could be reasonably justified.

8.28 A raised communal amenity deck is proposed which is located adjacent to unit 07. Unit 07 has windows directly adjacent to this space, however, this unit has a small, intervening private amenity area and is separate from the communal space by landscaping. As such, it is considered that this layout and arrangement would not

result in substandard living conditions for the future occupiers of the site.

- 8.29 There are habitable rooms within the development which are only served by roof lights which is not ideal, but would not result in such material harm to the living conditions of the future occupiers that a reason for refusal on this basis could be reasonably sustained on this basis. The Design and Access Statement submitted indicates that a daylight quality study was carried out in this respect, which found *'Roof windows provide significantly more light in the room than a vertical or dormer window...Having roof windows in these flats will give them a greater amount, as well as better quality of light as there is less glare and more of an even spread. The windows will provide natural ventilation to these flats and will reduce the use of electricity as less artificial light is needed.'*
- 8.30 All of the units proposed would be provided with a small private amenity area measuring between some 5sqm and some 13sqm. A communal rear amenity deck is also proposed. The information submitted with the application states *'All apartments will be provided with a private balcony with an additional 331sqm of communal amenity space which comprises a large area of landscaped communal amenity space to the front of the building and a large amenity deck (50sqm) sited to the rear of the building...'* The areas to the front of the site form a landscape buffer rather than usable amenity space. The balconies and raised deck proposed are considered adequate to meet the needs of the occupiers. As such it is considered that the proposal would provide adequate living conditions for any future occupiers of the site in this respect. Whilst the development would result in the reduction in the size of the rear garden at No.6 Crosby Road, a garden area of some 112sqm will be retained which is considered acceptable and adequate.
- 8.31 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.
- 8.32 The accommodation schedule submitted confirms that units 1 and 3 would be M4(3) compliant and all of the other flats would be M4(2) compliant. Subject to a condition requiring this no objection is raised on this basis.
- 8.33 The application has been submitted with an Environmental Noise Assessment which includes a survey of the existing noise levels at the site. The report concludes *'A scheme for glazing and ventilation has been provided to demonstrate compliance with BS 8223/WHO criteria for internal noise levels. The impact on outside amenity space has also been assessed and the noise levels predicted for private balconies for the apartments will not exceed the WHO guidelines due to the distance from the railway line and low sporadic traffic flow on the local quiet residential roads.'* The report concludes *'In conclusion it is considered that if the recommendations within this report are incorporated into the design of the dwelling facades and boundary treatment, the impact of environmental noise on future residents as well as the existing neighbouring residents will be deemed to meet the requirements of planning criteria and will ensure that the noise environment, both internally and externally, will not adversely affect the amenity of existing or future residents.'*

Given the findings of the report, and subject to the development being undertaken in accordance with the recommendations of this report, it is considered that the development would provide adequate living conditions for the future occupiers of the site in terms of noise and disturbance.

- 8.34 Subject to a condition requiring the development to be undertaken in accordance with the recommendations and conclusions of the environmental noise impact assessment submitted, it is therefore considered that the proposal would provide adequate living conditions for the future occupiers of the site in this respect and no objection is therefore raised on this basis.
- 8.35 No contaminated land assessment has been submitted with this application; however, a condition could be imposed on any grant of consent in this respect.
- 8.36 Subject to conditions, on balance, the development would provide adequate living conditions for any future occupiers of the site and is acceptable and policy compliant in this respect.

### **Traffic and Transport Issues**

- 8.37 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per 1 and 2+ bedrooms flat. As such there is a requirement for 18 parking spaces to serve the development.
- 8.38 The application has been submitted with a Transport Statement which concludes that the traffic impact from the development is immaterial. It is stated *'In comparison with the extant operation as a school, it is considered that there will be a reduction in vehicle movements in the AM peak, and a slight increase in movements in the PM peak hour'* and the report concludes *'Having fully considered highways/transport matters, we consider that planning permission for the proposed development at the site should be granted.'*
- 8.39 The proposal provides 18 parking spaces and 18 cycle parking spaces and is therefore policy compliant in this respect. The Highway Team has raised no objection, commenting that the Transport Statement submitted demonstrates that the proposal represents a traffic reduction within the local area when compared to the previous use as a school. The layout ensures that vehicles can enter the site, manoeuvre and exit in a forward gear and that the parking provisions are policy compliant. It is also noted that the site is within a relatively sustainable location with regard to public transport and the Highways Team therefore conclude that the proposal would not have a detrimental impact on the public highway. The development is acceptable and policy compliant in this respect.
- 8.40 In terms of refuse facilities, a covered and secure refuse store is provided close to the car park. The information submitted states *'Refuse will be collected internally on the site with a refuse vehicle able to get within acceptable distances of all properties.'* Subject to a condition requiring full details of the refuse storage facilities proposed, including the sizes of the containers no objection is therefore raised on this basis.

### **Impact on Residential Amenity**

8.41 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

8.42 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

*“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*

8.43 In terms of overlooking, the windows, openings and balconies facing Crosby Road and Crowstone Road would overlook the public realm and are sufficiently removed from the adjacent dwellings and would not therefore result in any material overlooking or loss of privacy. The western windows proposed would be located a minimum of some 16.9m from the boundary with No.8 Crosby Road and as such would not result in any material overlooking or loss of privacy to the adjoining residents in Crosby Road. The windows in the southern elevation adjacent to No.125 Crowstone Road have been limited to non-habitable room windows or roof lights. The windows that serve non-habitable rooms can be conditioned to be obscure glazed with limited openings and the roof lights given their nature and position within the roof would not result in any material overlooking or loss of privacy. To prevent any material overlooking or loss of privacy from the raised communal deck, a condition could be attached to any grant of consent, requiring full details of the visibility screens. The nearest southern window serving habitable rooms would be located some 12m from the boundary with No.125 Crowstone Road and as such would not result in any material overlooking or loss of privacy to these residents.

8.44 Subject to conditions, the development would not result in any material overlooking or loss of privacy to the adjoining residents and is therefore policy compliant in this respect.

8.45 The proposed block of flats has a staggered footprint and has been designed such that the development nearest to No.125 Crowstone Road extends beyond the rear elevation of this dwelling by some 2m. A raised deck would extend some 10m beyond the rear wall of No.125. Whilst the deck would be 4m from the southern boundary, given this significant projection, the changes in levels, the requirement for a privacy screen which would introduce further physical form and given that this part of the proposal would infringe upon a notional 45 degree guideline, as demonstrated on the submitted plans, it is considered that this part of the proposal would result in material harm to the occupiers of No.125 Crowstone Road in terms of dominance and a material sense of enclosure when looked at in the round. The development is unacceptable in this respect and is recommended for refusal on this basis.



- 8.46 In terms of noise and disturbance, the site is located within a residential area and the proposal to develop the site for residential purposes would not result in any material harm to the adjoining residents in principle. It is noted that this proposal seeks to provide areas of car parking immediately adjacent to the private, residential amenity area of No.125 Crowstone Road. In this respect, an Environmental Noise Assessment has been submitted with the application which concludes *'The noise impact on neighbouring properties from car parking spaces on site is generally predicted to be low, given the residential nature of their use and the location of most spaces in the under-croft of the new building. However due to the close proximity of the few outside spaces to the house and garden of 125 Crowstone Road, it has been recommended that a suitable acoustic barrier consisting of masonry wall or robust timber fence be erected along the boundary with 125 Crowstone...In conclusion it is considered that if the recommendations within this report are incorporated into the design of the dwelling facades and boundary treatment, the impact of environmental noise on future residents as well as the existing neighbouring residents will be deemed to meet the requirement of planning criteria and will ensure that the noise environment, both internally and externally, will not adversely affect the amenity of existing or future residents.'* Given these findings, subject to a condition requiring details of the acoustic wall or fencing proposed, no objection is raised on this basis.
- 8.47 However in light of the above the proposal's impact on residential amenity is found unacceptable and in conflict with policy.

### **Trees, Landscaping and Ecology**

- 8.48 There are no trees subject to Tree Preservation Orders (TPOs) on the site. The application has been submitted with an Arboricultural Impact Assessment which concludes that the development would result in the removal of 9 trees which are all categorised as low quality with the exception of a magnolia tree which is of moderate quality. The report concludes that the visual impact of the removal of these trees is low as the trees are largely less than 7m high and mostly located within the site. There is scope for new tree planting to enhance the setting of the proposal. The report confirms that the street trees will be protected during works by tree protection and ground protection. Given the findings of this report and that a condition could be imposed requiring the development to be undertaken in accordance with the recommendations and conclusions of this report no objection is raised to the proposal on this basis.
- 8.49 The information submitted indicates that additional soft landscaping will be provided, details of which could be secure via condition. Subject to a landscaping condition attached to any grant of consent, no objection is therefore raised on this basis.
- 8.50 In terms of ecology the application has been submitted with an ecological assessment dated September 2017 and a bat survey dated August 2017.
- 8.51 The ecological survey submitted concludes that there was no evidence of badger setts or foraging activity by badgers on the site; however, the report recommends a number of precautionary measures in relation to badgers, such as covering trenches at night. Recommendations are also made in relation to hedgehogs which could be present at the site, but comments that the site has negligible potential for

great crested newts and low potential for reptiles. The report makes recommendations in relation to breeding birds; it is recommended that the areas of scrub and trees are cleared outside the bird-nesting season (March to August inclusive).

- 8.52 The bat survey found no evidence of the presence of bats within the site and concludes that the proposal would not have a detrimental effect on the local bat population.
- 8.53 Whilst these reports are somewhat dated, given the nature of the site and the findings of the reports no further surveys are considered necessary, subject to conditions requiring the recommendations made in the report being adhered to.

### **Sustainability**

- 8.54 Policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”* and that *“at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 8.55 The Sustainability and Energy Report submitted indicates that PV panels will be mounted on the roof which will produce at least 10% of the development's energy demands. Subject to a condition in this respect no objection is raised on this basis.
- 8.56 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.
- 8.57 The application has been submitted with a SuDS/surface water drainage statement which confirms that the site is located within flood zone 1 and that the development would seek to reduce the surface water discharge rate by around 50% to ensure there is no increased risk of flooding elsewhere as a result of the development. Detailed hydraulic modelling has been carried out which demonstrates that the surface water drainage system can withstand the impact of a 1:100 year rainfall event (including an additional 40% as an allowance for climate change). The report concludes the redevelopment scheme and its occupants will not be at an increased risk of flooding, the redevelopment scheme will not increase the risk of flooding elsewhere and a sustainable drainage scheme can be implemented.
- 8.58 Given the above findings and subject to a condition requiring full details of the sustainable urban drainage system proposed no objection is raised on this basis.
- 8.59 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. Subject to a condition in this respect no objection is raised on this basis.

## Community Infrastructure Levy

- 8.60 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 may also be CIL liable.

## Planning Obligations

- 8.61 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.”*

- 8.62 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).
- 8.63 Paragraph 63 of the NPPF states *‘Provision of affordable housing should not be sought for residential developments that are not major developments...To support the use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contributions should be reduced by an appropriate amount.’*
- 8.64 Paragraph 64 of the NPPF states *‘Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.’*
- 8.65 The NPPG states *‘Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of the gross development value, costs, land value, landowner premium and developer returns...viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.’* (Paragraph 010 reference 10-010-20180724).
- 8.66 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is outlined in Core Strategy Policy CP8 that states the following:

*The Borough Council will:*

*...enter into negotiations with developers to ensure that:*

*.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...*

*For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.*

- 8.67 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of "Supplementary Planning Document: Planning Obligations"
- 8.68 The application has been submitted with a viability assessment which concludes *'The viability test has not passed having regard for S106 costs and cannot sustain onsite affordable housing nor any commuted sum.'*
- 8.69 The Council has had the viability assessment submitted with the application independently reviewed. The independent review states *'We have been unable to draw firm conclusions regarding the viability of the scheme due to a number of areas which require further clarification. We have sought to establish contact with ADC through the applicant's planning consultants but as yet have received no response, as such clarification has not been possible prior to issuing this report.'* Having considered the information submitted to date, the report concludes *'We are satisfied that the proposed scheme can viably contribute towards the full affordable housing contribution on-site.'*
- 8.70 In this respect, no S106 legal agreement has been completed to secure such a payment and it has not been clearly shown that on site affordable housing cannot be provided. Therefore the proposal would fail to meet the Council's policies for provision of affordable housing contributions and is unacceptable and is contrary to the Development Plan in this respect.
- 8.71 In terms of the secondary Education requirements, the Education Team has confirmed that all secondary schools within acceptable travel distance are oversubscribed. A contribution of £22,040.90 is therefore requested towards the cost of works at Southchurch High School, or any other similar project that seeks to address the increased demand for secondary places created as a consequence of this development.
- 8.72 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.
- 8.73 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.

## **9 Conclusion**

- 9.1 Having taken all material planning considerations into account, it is found that the proposal does not constitute sustainable development, is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The proposed development is of a contrived and unacceptable poor design that would result in material harm to the character and appearance of the area. The development results in material harm to the residential amenity of the adjoining occupiers at No.125 Crowstone Road and no Section 106 legal agreement has been completed to date to secure appropriate contributions for affordable housing and secondary education facilities. The scheme therefore fails to provide affordable housing to meet local needs and fails to mitigate the resulting increased pressure on local education infrastructure.
- 9.2 The benefits of the proposal, including the 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.

## **10 Recommendation**

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

- 01 The proposal would, by reason of its size, scale, bulk, mass, siting and detailed design, constitute a cramped, contrived and incongruous development that would be materially harmful to the character and appearance of the site and the surrounding area. This is unacceptable and contrary to 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 Design and Townscape Guide (2009).
- 02 The siting, size and design of the proposed development is such that it would result in undue dominance, an overbearing relationship and a significant sense of enclosure to No.125 Crowstone Road, to the material detriment of the amenities of the occupiers of this property. The development is therefore 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 Design and Townscape Guide (2009).
- 03 The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and it has not been shown that such a contribution is not viable. 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 Document (2015).

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.**

#### **Informatives**

- 01 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.**