

Appendix 2 – Officer’s report for application reference 19/00718/FUL

Reference:	19/00718/FUL
Ward:	Shoeburyness
Proposal:	Erect 5 two storey dwellinghouses and a block of 3 self-contained flats at former Coal Yard with associated parking, amenity area, cycle and refuse storage (Amended Proposal)
Address:	Rear of 1 Shoebury Avenue, Shoeburyness, Southend-on-Sea
Applicant:	Mr A Thorpe and Mr H Hyde
Agent:	APS Design Associates Ltd
Consultation Expiry:	30.05.2019
Expiry Date:	11.06.2019
Case Officer:	Charlotte White
Plan Nos:	2889 01, 2889 02, 2889 03, 2889 04, 2889 05, 2889 06, 2889 07, 2889 08
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The site is located in a backland position, to the rear of dwellings in Shoebury Avenue, Friars Street and Wakering Avenue. The site is currently being used as a coal yard with a number of buildings and structures on the site, including brick and fence enclosures, garages and containers. There is also open storage on the site.
- 1.2 To the immediate south are two-storey terraced houses that back onto the site. Further south, on the southern side of Shoebury Avenue are dwellinghouses and commercial units; many of which appear unoccupied. To the immediate west of the site is the Archway Bungalow, Shoebury Avenue, which is a single dwelling in a backland position. To the immediate north of the site are mainly terraced two storey dwellings in Friars Street, which back on to the site. To the immediate east of the site are two storey, mainly semi-detached houses in Wakering Avenue that back on to the site.
- 1.3 The wider area is generally residential in character, with commercial uses to the southern side of Shoebury Avenue.
- 1.4 The site is not located within an area with any specific planning allocation. It is not specifically allocated for employment purposes within the proposals map.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing brick enclosures, garages and industrial structures on the site and to erect 5 dwellinghouses and a block of 3 self-contained flats. The proposed houses constitute a staggered row of two storey, two bedroom terraced dwellings. The block of flats comprises a 2.5 storey building with 1 flat on each level, with 2 bedroom flats at ground and first floor levels and a 1-bedroom flat within the roofspace. The proposal will utilise the existing access from Shoebury Avenue and seeks to demolish the existing garage block fronting Shoebury Avenue to provide parking. In total 9 parking spaces will be provided across the site.
- 2.2 Each house will be provided with a private rear garden area with front garden areas and a pedestrian path and pedestrian access to the front. The flats will be provided with a communal rear garden.
- 2.3 A communal cycle store is proposed to the rear of the site with a refuse store proposed towards the front of the access road into the site.
- 2.4 The terraced block of houses proposed has a maximum overall width of some 23m, the dwellings have depths of some 9.7m and a maximum height of some 7.6m. The proposed block of flats has a maximum width of some 8.1m, some 11.9m in depth and has a maximum height of some 8m.
- 2.5 The development would be finished in render and composite cladding, plain grey concrete roof tiles, UPVC windows and composite doors.
- 2.6 The garden areas proposed range from some 41.8sqm to some 90.8sqm. The communal garden area for the flats measures some 93.3sqm.

- 2.7 The application is accompanied by a planning, design and access statement, a geo-environmental Phase I desk study and Phase II site investigation report and an email from Keith Carter at Estuary which states *'I wish to confirm that Estuary Housing Association does not require a lift to be included in the proposed flats at Shoebury Avenue. We have the option to allocate a non ambulant person to any of the other ground floor flats or houses. It is Estuary's policy to avoid allocating non ambulant residents to homes above the ground level. Even with a lift installed, if the single lift fails the resident is still cut off in the home.'*
- 2.8 A planning application was recently submitted under reference 18/00697/FUL to erect 9 two storey dwellinghouses comprising 2 terraced blocks on the site. The application was withdrawn before the application was determined, but Officers were minded to refuse the application and concerns were raised regarding the cramped nature, poor design detailing, lack of opportunities for soft landscaping and contrived and incongruous nature of the scheme. It was considered that the proposal would result in material overlooking and loss of privacy, dominance and a material sense of enclosure to the detriment of the residential amenity of nearby occupiers. It was also considered that the development would result in substandard living conditions for the future occupiers by reason of the insufficient size of the second bedrooms, the substandard garden areas, the inconveniently located parking and given that the dwellings would be materially overlooked. It was also not clearly demonstrated that the proposal would provide a development that was appropriately accessible and adaptable for all members of the community as the development did not comply with the Building Regulations M4(2) standards.
- 2.9 Prior to this, planning permission was refused to develop the site to provide 14 self-contained flats on the site under reference 17/01495/FULM. This application was refused for the following reasons:
1. The proposal would by reason of its size, scale, bulk, mass and detailed design, constitute unacceptable backland development, resulting in a contrived and incongruous scheme that is unacceptable and would result in material harm to the character and appearance of the site and the surrounding area, 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).
 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, Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).
 3. The design, size, siting, bulk and mass of the proposed development are such that it is overbearing, visually obtrusive and would cause unacceptable overlooking, a sense of enclosure and loss of privacy and light to the detriment of the amenities of the occupiers of neighbouring dwellings in Shoebury Avenue, Friars Street and Wakering Avenue. 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. By virtue of the insufficient floorspace of the 1 bedroom flats proposed, the poor quality of the external amenity space provided, the inconveniently located parking spaces and the inadequate and inaccessible refuse stores, the development would provide substandard living conditions for the future occupiers of the site, providing a poor quality residential environment. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
5. The submission does not demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community and information has not been submitted to demonstrate that the new dwellings would meet the M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM8 of the Development Management Document (2015).
6. As a result of an existing lamp column, one of the parking spaces fronting Shoebury Avenue would not be safely accessible. As a result the development would provide either insufficient parking and result in an increase of on-street parking to the detriment of highway safety or would result in unsafe vehicular movements by virtue of residents trying to access an inaccessible space to the detriment of the highway safety. The development is therefore unacceptable and contrary to the National Planning Policy Framework and Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).
7. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and no evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. 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).

3 Relevant Planning History

- 3.1 18/00697/FUL - Erect 9 two storey dwellinghouses comprising of two terraced blocks to former coal yard with cycle/bin storage and layout associated parking – application withdrawn.
- 3.2 17/01495/FULM – Erect building comprising 14 self-contained flats with layout parking and erect fence, railings and electric gates – planning permission refused

26th February 2018.

4 Representation Summary

4.1 Highways Team

No objection.

4.2 Environmental Health Team

Unable to assess the application in the absence of acoustic details. Clarification would be required.

5 Public Consultation

5.1 A site notice was displayed and 44 neighbour letters were sent out. 6 letters of objection have been received which make the following summarised comments:

- Amenity concerns.
- Overlook gardens and surrounding houses and cause a loss of privacy.
- Flats are out of character with the area – majority of surrounding buildings are 2 storey family dwellings. Lacks character and out of keeping with surrounding Victorian buildings that are brick built. Wood cladding makes the houses look modern and out of keeping. Not in keeping with the open aspect of the area. Cramped. Concerns relating to the height of the buildings.
- Query relating to how the green wall will be maintained.
- Noise and disturbance.
- Loss of light, including natural light to properties and sunlight.
- Overshadowing to property and garden.
- Oppressive and overbearing.
- Intrusive and invasive.
- Too close to neighbouring properties and gardens.
- Overdevelopment. Development is oversized for the plot.
- Parking concerns. Inadequate parking. Will increase pressure on already limited street parking. No additional parking for residents that have more than 1 car or for visitors. Shoebury Avenue and surrounding roads are already busy and congested. Would cause traffic problems and a safety hazard for other motorists. Will increase traffic volumes. Limited access for emergency vehicles.
- Each house should have a minimum of 2 parking spaces.
- Flats will block the view for residents.
- Impact security of property.
- Nuisance.
- Noise from vehicles at rear of property/gardens.
- Environmental impact.
- Change the area and affect local residents.
- Social disturbance.
- Loss of trees.
- Concerns relating to contaminated ground which will affect neighbours, the community and the environment when disturbed by the development.
- Additional pressure on local sewers which are old and blockages have caused problems in area. The development would add to these existing problems.

- No general objection to the development on the coal yard but the extent of the development is excessive.
- Noise and disruption from building works will have an effect on residents' daily lives.
- Loss of property values.

5.2 Officer comment: The comments made have been taken into consideration in the determination of the application.

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), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).

6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).

6.4 Design & Townscape Guide (2009)

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

6.6 Community Infrastructure Levy CIL Charging Schedule (2015)

7 Planning Considerations

7.1 The main considerations in relation to this application include the principle of the development, design and impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability and CIL (Community Infrastructure Levy). The planning history of the site is a material consideration in the determination of this application. Whilst the NPPF has been updated since the determination and consideration of the previous applications on this site, the policy context is not materially different.

8 Appraisal

Principle of the Development

Loss of Employment and Principle of Residential Development

8.1 Paragraph 121 of the NPPF states '*Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites of the vitality and*

viability of town centres, and would be compatible with other policies in this Framework...'

- 8.2 Core strategy Policy KP1 seeks to promote the role of Shoeburyness as a place to live and work; to secure an additional 1500 jobs and provide for 1400 additional dwellings. 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.
- 8.3 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.
- 8.4 Development Management Document Policy DM11 states outside the employment areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes or use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use.
- 8.5 Part C of Appendix 4 of the Development Management Document sets out the information to be provided as part of an appraisal to demonstrate the site is no longer viable for employment purposes which includes an analysis of the site identifying the advantages and limitations of the site to accommodate employment uses; for each limitation identified, justification should be provided as to why it cannot be overcome having regard to the introduction of alternative employment uses, general investment or improvements or through competitive rental levels. Marketing and market demand information may be used to support the appraisal. Comparisons with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises.
- 8.6 The Planning, Design and Access Statement submitted with this application states *"The principle of the loss of employment has been previously agreed."* No justification for the loss of employment use of the site has been submitted.
- 8.7 In this respect, the previous application reference 17/01495/FULM was submitted with a planning statement which included an appraisal of the employment site, stating that the demand for coal has been decreasing, to the point that the business is no longer viable. It was stated that the owner was nearing retirement and was the only person running the business apart from occasional assistance from his son, so no employees will be affected by the closure of the business. It was stated that there will be demonstrable improvements to the local environment as a result of the cessation of the use; including from noise, disturbance and dust. The previous Planning Statement went on to state that the site is limited for alternative uses by virtue of its close proximity to residential properties and a lack of buildings and facilities on the site. The only use that could operate on the site as existing is limited to open storage which will cause noise and disturbance. It was therefore suggested

that the site is not practical or viable for alternative employment use and it was highlighted that there are designated employment areas in close proximity of the site. Finally the previous planning statement provided links to other commercial sites and accommodation to buy or rent in close proximity to the site.

- 8.8 As such the previous information submitted did identify the key constraint of the site; which is its location, backing on to a number of residential dwellings. The links previously provided clearly demonstrated there were other employment sites available to buy and rent within Shoeburyness and it was also noted during the case officer site visit that there are commercial units to the south of the site, some of which appear disused, which are allocated for employment purposes on the proposals map. It is also recognised that the existing use is unneighbourly and has potential to result in noise and disturbance to the adjoining residents and its loss would have environmental benefits. The redevelopment of the site would also result in the removal of contaminated land which is an environmental benefit.
- 8.9 As such, in this instance, taking into account the previous supporting evidence submitted under reference 17/01495/FULM, which was decided under a materially similar national and local planning policy framework, the fact that no objection was previously raised to the loss of the employment use under this previous application, the location of the site, which is bounded by residential properties, the amenities of which could potentially be affected by the continued commercial use of the site, and other commercial properties being available in the area and the environmental benefits that would result from the redevelopment of the site, no objection is raised, on balance, in principle to the loss of the employment use on the site and its use for residential purposes as additional residential development in the area is supported in principle by policy CP8 of the Core Strategy. It is also noted that the revised NPPF states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently development but not allocated for a specific purpose in plans. No objection is therefore raised to the principle of the development in this respect.

Backland Development

- 8.10 The site is located within a residential area and constitutes previously developed land. Amongst other policies to support sustainable development, the NPPF requires the planning system to boost the supply of housing by delivering a wide choice of high quality homes.
- 8.11 Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”*. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 8.12 Policy DM3 of the emerging Development Management Document promotes *“the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*
- 8.13 Policy DM3 (2) requires that all development on land that constitutes backland and infill development will be resisted where the proposals will:

*“(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
(ii) Conflict with the character and grain of the local area; or
(iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
(iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees.”*

- 8.14 Paragraph 193 of the Design and Townscape Guide (2009) states that *“Backland sites are defined to be landlocked areas between existing development, usually with a single and often narrow access onto an existing street. They encompass areas such as disused garage courts, vacant sites and other odd shaped areas left over between housing blocks which may offer an opportunity for redevelopment. Where acceptable in principle, such development can take advantage of access to local facilities and infrastructure, provide natural surveillance and generally lift an area which may be susceptible to crime and disorder.”*
- 8.15 Paragraph 194 of the Design and Townscape Guide (2009) states that *“whether a backland site is suitable for development will be decided on a site by site basis.”*
- 8.16 Paragraph 196 of the Design and Townscape Guide (2009) states *“...the site itself must be of a sufficient size and shape to accommodate practical internal space, usable amenity space and sufficient off street parking for the new occupants. Squeezing too much development into a small or awkward site will compromise the quality of life for the occupiers and the surrounding residents, and may be considered overdevelopment.”*
- 8.17 This site is considered to constitute a backland development site: it is an irregular shaped, landlocked site, surrounded by residential development on 4 sides with no street frontage. In this regard, given the residential nature of the immediate surrounding area and given that there is an existing backland bungalow to the immediate west of the site, the principle of developing the backland site for residential purposes is acceptable, subject to other material considerations, including design, residential amenity and parking considerations, which are considered below. It is also noted that no objection was previously raised to the principle of the development in this respect.

Design and Impact on the Character of the Area

- 8.18 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 8.19 Paragraph 124 of the National Planning Policy Framework states that *‘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.’*

- 8.20 Development Management Document 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.”*
- 8.21 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 8.22 The Design and Townscape Guide states that *“The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.”*
- 8.23 The area immediately surrounding the site is residential in nature, with mainly terraced and semi-detached dwellings backing on to the site.
- 8.24 In terms of scale, the proposed 2 storey terraced houses have a maximum height of some 7.6m. The proposed block of flats is 2.5 storeys in scale with a maximum height of some 8.1m. As such, the scale of the development is considered acceptable and would not be materially out of keeping with the surrounding area.
- 8.25 In terms of siting, the development constitutes a backland development with the dwellings having no street frontages; however, the development would be visible from Shoebury Avenue via the access and over the proposed parking area and adjoining gardens. In this respect, the development would appear cramped, with the row of dwellings located in reasonably close proximity to the flatted development and with relatively shallow rear gardens. This is clearly demonstrated within the 3D visual renders provided (drawing number 2889 07). The development is considered to represent an overdevelopment of the site and would be out of keeping with the existing grain of the area in this respect. The development would also be dominated by hardsurfacing, car parking spaces and parked vehicles when viewed from Shoebury Avenue which is a poor design feature. The proposed parking area to replace the garages in Shoebury Avenue, whilst including some soft landscaping at the frontage, would have the appearance of a small hardsurfaced car park in the residential area which would be an incongruous feature that is materially at odds with the character and appearance of the surrounding area.
- 8.26 In terms of the design detailing and appearance, the proposed development constitutes a simple, contemporary row of terraced dwellings which would be acceptable in principle in this location. The proposed flats have the character of a detached dwelling. Concern is raised in respect of the materials proposed, which would be out of keeping in the area, however, subject to a condition requiring details and/or samples of the materials, should the application be otherwise considered acceptable, no objection is raised on this basis.
- 8.27 In terms of the landscaping proposed, compared to the previous schemes on this site, it is proposed to materially increase the level of soft landscaping. However,

there are still parking spaces immediately at the end of the access road, parallel to the access road and within a small, but nevertheless visually prominent car park area accessed from Shoebury Avenue. The landscaping would provide some screening but would not mitigate the concerns raised in this respect. Whilst shown to be screened to some extent by soft landscaping concern is also raised that the refuse store proposed would be a prominent and incongruous feature in the area.

- 8.28 As such, whilst it is noted that the existing site and use is of a poor quality design and character, this does not justify the poor design hereby proposed. Whilst the scale of the development in terms of its height is acceptable, the development is cramped in its layout and relationship of built form to space and constitutes the overdevelopment in terms of the site. The car park area proposed would be an incongruous feature in the area which would not be sufficiently mitigated by the landscaping proposals.
- 8.29 The development is therefore of an unacceptable and contrary to policy in these regards and the application is recommended for refusal on this basis.

Standard of Accommodation

- 8.30 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments should *'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) over 1 storey 50sqm.
 - 2 bedroom (3 bed spaces) over 1 storey 61sqm
 - 2 bedroom (3 bed spaces) over 2 storeys 70sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

- 8.31 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and

appropriate to the scheme.

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

8.32 The proposed dwellings would all exceed the minimum sizes required by the technical housing standards. The bedrooms are of acceptable sizes and accord with the requirements of the technical housing standards.

8.33 All habitable rooms will be provided with windows to provide light, outlook and ventilation. Whilst there is car parking to the front of house 1, there is intervening soft landscaping and a path and it is considered that all of the dwellings would have an adequate outlook.

8.34 The proposed houses would be located a minimum of some 5.7m from the proposed flats and therefore there is potential for interlooming between the proposed dwellings. However, the windows in the western elevation of the proposed block of flats are all secondary windows or serve non-habitable spaces (stairwells). Subject to a condition requiring the windows in the western elevation of the block of flats proposed to be obscure glazed with limited openings the development would not therefore result in unacceptable levels of interlooming. The roof lights proposed, given their location and positions within the roof would not result in any material interlooming between the units.

8.35 Each house is to be provided with a private rear garden measuring between 41.8sqm and 90.8sqm which is considered adequate to meet the needs of the occupiers of 2 bedroom, 3 person dwellinghouses. The proposed flats would be provided with a communal garden area of some 93.3sqm which is considered acceptable and adequate to meet the needs of the future occupiers.

8.36 The majority of the parking proposed for the site and the refuse storage facilities are significantly removed from the proposed dwellings, which reduces the convenience of these facilities, which weighs against the proposal. In this respect, the Waste Storage, Collection and Management Guide for New Developments Document states '*A waste producer (householder) is not expected to carry their wastes more than 30m from their property to the designated waste storage/collection point.*' This is exceeded in several instances in this scheme.

8.37 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.

- 8.38 The information submitted within the Design and Access Statement states *'Keith Carter from Estuary Housing Association...is looking at purchasing the project subject to planning.'* An email was also submitted with the application from Mr Keith Carter which states *'I wish to confirm that Estuary Housing Association does not require a lift to be included in the proposed flats at Shoebury Avenue. We have the option to allocate a non ambulant person to any of the other ground floor flats or houses. It is Estuary's policy to avoid allocating non ambulant residents to homes above the ground level. Even with a lift installed, if the single lift fails the resident is still cut off in the home.'*
- 8.39 It is apparent that whilst the houses and ground floor flat could be built to comply with the Building Regulations M4(2) standards, the flats on the upper storeys would not comply with these standards as the development does not include a lift and as such step free access to the upper storey flats is not possible. Whilst it is noted that Estuary Housing Association has an interest in purchasing the development for affordable housing, there is no guarantee that this will be the case and there is no policy requirement to provide affordable housing on the site to secure this. The proposal remains contrary to policy in this respect and an objection on this basis is therefore maintained. The proposal has failed to overcome the previous concerns raised in this respect.
- 8.40 The site is located in close proximity to industrial units and a main line train station. As such, the proposed dwellings may be subject to noise and disturbance from the existing noise sources. No noise impact assessment has been submitted with the application in this regard. However, it is considered that this issue could be dealt with through conditions if the scheme were otherwise considered acceptable.
- 8.41 The redevelopment of the site would result in the removal of contaminated land which is an environmental benefit. In this respect, Environmental Health have commented that the Geo-environmental contaminated land report submitted confirms that contamination is present on the site and that remediation and validation is required to ensure it is suitable for the proposed end user. As such, to ensure that the development provides adequate living conditions for any future occupiers of the site, conditions would need to be attached to any grant of consent requiring remediation works. Subject to such conditions no objection is raised on this basis.
- 8.42 The proposed development would not be appropriately accessible and adaptable for all members of the community and the application is therefore unacceptable and contrary to policy in this respect. The application is recommended for refusal on this basis.

Traffic and Transport Issues

- 8.43 Policy DM15 of the Development Management Document states that 1 and 2+ bedroom flats should be provided with a minimum of 1 off-street car parking space and 2 bedroom dwellinghouses should be provided with a minimum of 2 off-street

parking spaces. This would equate to a minimum of 13 spaces on the site. This proposal seeks to provide 9 parking spaces and is therefore deficient of 4 parking spaces. However, the site is located within a sustainable location, close to a train station. The Highways Team have commented that the provision of 9 off-street parking spaces is acceptable given the sustainable location of the site which has good public transport links in close proximity and concludes, subject to the reposition of the lamp column, that the proposal would not have a detrimental impact on the surrounding highway network.

- 8.44 The proposal is found to be policy compliant in this respect and no objection is therefore raised on this basis.

Waste Management and cycle storage

- 8.45 With regard to cycle parking, the submitted plans indicate that a cycle store will be provided to the rear of the site which provides 9 cycle spaces. This equates to more than 1 cycle space per unit which is policy compliant. Subject to a condition in this respect no objection is raised on this basis.
- 8.46 In terms of refuse facilities, the site is located in a backland position and concern is raised regarding where waste would be presented on collection day. It would not be acceptable to present all the waste for all 8 dwellings kerbside on Shoebury Avenue. As such it is considered that a refuse store would be required close to Shoebury Avenue. The submitted plans indicate that a refuse store will be provided towards the front of the site in Shoebury Avenue. Concern is raised that such a facility is located too far from some of the dwellings, contrary to the requirements set out in the Waste Storage, Collection and Management Guide for New Developments Document which weighs against the development and concern is raised that this facility would be of an unacceptable design and would appear incongruous in appearance.

Impact on Residential Amenity

- 8.47 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.
- 8.48 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;”

- 8.49 Paragraph 195 of the Design and Townscape Guide (2009) states *“Where backland development is acceptable in principle, one of the key considerations in the design*

process must be protecting the privacy of adjoining residents. This means that new backland development should not give rise to any overlooking (or realistically perceived overlooking) of neighbouring properties or their private gardens.”

- 8.50 The ground floor windows of the houses and flats proposed could be significantly screened by standard boundary treatments, which could be secured via condition should the application be otherwise considered acceptable. The proposed house at plot 1 does not include any southern side windows. The first floor rear windows at house numbers 1 to 4 would be located between 9.1m and 12.6m from the rear boundary of the site and the boundary with Archway bungalow. Archway bungalow has a shallow rear garden and as such the first floor habitable room windows would be located only approximately between 12.2m and 16m from the rear elevation of Archway bungalow. As such it is considered that the development would result in material overlooking and loss of privacy to Archway bungalow to the rear. This is unacceptable and the application is recommended for refusal on this basis.
- 8.51 Dwelling 5 has first rear windows located a minimum of 7.6m from the rear boundary of the site. However, this unit has been designed to include a projection to the north, enabling this room to be served by a front window as well. Subject to a condition requiring the first floor rear and northern side windows at plot 5 to be obscure glazed with limited openings it is considered that this plot would not result in material harm to the adjoining residents to the rear in terms of overlooking and loss of privacy. No other northern side windows are proposed.
- 8.52 The flats, given their position on the site would have front and rear windows which overlook the site's access and a parking area to the rear of the site. It is considered that these windows would not result in any material overlooking or loss of privacy. The side windows serve as secondary windows or serve non-habitable rooms and therefore, subject to a condition requiring these windows to be obscure glazed with limited openings it is not considered that the flats would result in any material overlooking or loss of privacy or interlooking between the proposed dwellings.
- 8.53 The application has not been submitted with an overshadowing or light report which is unfortunate. The proposed dwellings, in particular plot 1 and the block of flats proposed are located in close proximity to the boundaries with adjoining sites in Shoebury Avenue and Wakering Avenue. The dwelling at plot 1 would be located only 1.2m from the boundary with No's 1, 2 and 3 Shoebury Avenue. Unit 1 would extend across the entire width of No.2's rear garden and the majority of the garden at No.1 and part of the garden at No.3. It is considered at this location and given the size, scale and design of the development proposed, that the proposal would result in material harm to the occupiers of these dwellings in terms of dominance and a material sense of enclosure.
- 8.54 The proposed flats would be located a minimum of 1m from the boundary with adjoining dwellings in Wakering Avenue and would, similarly, given the size scale and position of this part of the development, result in material harm to the residential amenity of the adjoining occupiers in Wakering Avenue in terms of dominance and a material sense of enclosure.
- 8.55 Whilst the existing use is not compatible with the surrounding residential use and is likely to result in noise and disturbance to the adjoining residents and the proposed residential use of the site is more in-keeping with the surrounding residential use,

this does not justify the design hereby proposed which due to the number of concerns both individually and collectively are considered to demonstrate that the site is being overdeveloped. This would result in material harm to the residential amenity of the adjoining residents as outlined above.

- 8.56 It is noted that the Environmental Health Team has commented that no noise impact assessment has been submitted. This could be dealt with by condition if the scheme were found acceptable in other regards.
- 8.57 As such, the development is unacceptable and contrary to policy in the above regard and the application is recommended for refusal on this basis.

Sustainability

- 8.58 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.
- 8.59 The information included within the Planning, Design and Access Statement submitted states ‘*The applicant is researching sustainable options to incorporate as part of the construction and it is felt that the 10% figure can be achieved. This matter could be addressed by way of a planning condition attached to any forthcoming planning permission.*’ Subject to the imposition of a condition in this respect should the application be considered otherwise acceptable, no objection is raised on this basis.
- 8.60 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this could be dealt with by conditions if the application were otherwise deemed acceptable.

Community Infrastructure Levy

- 8.61 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.

9 Conclusion

- 9.1 Having taken all material planning considerations into account, it is found that the proposed development does not constitute sustainable development, is unacceptable and would be contrary to the development plan and is therefore recommended for refusal. The proposed development is of an unacceptable design that would appear cramped and constitutes overdevelopment of the site, and would

be excessively dominated by hardsurfacing and parked vehicles, resulting in material harm to the character and appearance of the area. The development would result in material harm to the residential amenity of the occupiers of the adjoining dwellings in terms of overlooking, loss of privacy, dominance and a material sense of enclosure. The development also fails to satisfy the Building Regulations M4(2) accessibility standards. The revised scheme has failed to overcome the previous concerns raised in these regards.

- 9.2 The benefits of the proposal, including the modest provision of additional dwellings 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

REFUSE PLANNING PERMISSION for the following reasons:

- 01 **The proposal, by reason of its overall layout and cramped nature constitutes the overdevelopment of the site and would be dominated by hardsurfacing and car parking, resulting in a contrived and incongruous scheme that would result in material harm 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 the development would result in material overlooking and loss of privacy, dominance and a material sense of enclosure to the material detriment of the amenities of the occupiers of neighbouring dwellings in Shoebury Avenue and Wakering Avenue. 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 submission does not demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community and information has not been submitted to demonstrate that the new dwellings would meet 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).**

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.**

Case Officer
Signature Date
Senior Officer
Signature Date
Delegated Authority
Signature Date