

# Southend-on-Sea Borough Council – Development Management Submission Document

## Examination: Council's Response to Initial Inspector's Questions

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### Southend-on-Sea Council's Response to Initial Questions and Comments

#### Issue 1

Does the Council wish to make any comments in response to this issue?

The Policies are considered consistent with, and positively promote, the aim, strategic objectives and key policies contained in the Southend-on-Sea (Southend) Core Strategy. A Core Strategy linkage box is provided after each respective policy to highlight the relationship.

#### Issue 2

The questions below relate to the individual policies and supporting text:

#### Policy DM1 – Design Quality

- (i) What are the relevant design principles in the Design and Townscape Guide SPD? In order that the policy is robust in accordance with paragraph 58 of the NPPF can these be summarised as part of the policy or supporting text?

Noted; all design principles set out in SPD1 may be relevant but will be dependent upon the type of development proposed. Therefore, for clarity, it is proposed to replace 'relevant' with 'where applicable' within DM1(1) and to add this reference to the supporting text. Furthermore, it is proposed that the main design principles established by the Design and Townscape Guide SPD are set out within the supporting text (see Schedule of Minor Amendments).

- (ii) Should all development be expected to "enhance" in criterion (i)?

Yes. The use of 'enhance' is considered appropriate and in conformity with the NPPF and Planning Practice Guidance, which include a number of references to this. For example, NPPF paragraph 17 and Planning Practice Guidance Paragraph 003 (Reference ID 26-003-20140306).

- (iii) In criterion (iv) is "the sense of overbearing" an effective expression? Does this mean visual enclosure?

Noted; it is proposed that for clarity the phrase 'the sense of overbearing' within criterion (iv) is amended to 'visual enclosure' (see Schedule of Minor Amendments).

- (iv) Bearing in mind the principles for Local Plans set out above and paragraph 62 of the NPPF should the desire to use Design Review Panels be included and is the first sentence of the final paragraph effective?

Noted; it is proposed that the final paragraph is removed from Policy DM1 and incorporated with the design review panel commentary already set out in paragraph 3.9 (see Schedule of Minor Amendments).

## **Policy DM2 – Low Carbon Development**

- (i) The criteria in part 1 apply to all new development. Does this contradict part 2 concerning conversions, extensions and/or alterations? Should part 1 relate solely to developments that would create additional dwellings or commercial floorspace?

Noted; it is proposed to amend part 1 of DM2 to highlight that this relates to the creation of additional residential and/or commercial units (see Schedule of Minor Amendments).

- (ii) Should the Code for Sustainable Homes Level 3 and BREEAM Very Good rating be specified because of the possibility that these standards will soon be outdated? Is this consistent with Government policy?

It is considered that the specification of Code for Sustainable Homes Level 3 and BREEAM Very Good is appropriate and will enable the local delivery of sustainability standards. Flexibility is included within the policy, as evidenced by the Southend-on-Sea Combined Policy Viability Study 2013, in accordance with the NPPF.

In accordance with Policy P1 – Sustainable Development, where relevant policies in the SDM are considered to be out of date at the time of determining development proposals, decisions will be made in regard to appropriate up-to-date evidence where this affects the intention of the policy, in the context of the NPPF.

## **Policy DM3 – Efficient and Effective Use of Land**

- (i) In part 2(iii) what is meant by “contrived” and what is the justification for it? Why should an additional requirement be imposed on backland and infill development compared to the Residential Standards in Policy DM8?

Noted; it is proposed that ‘contrived’ should be removed from part 2 (iii) and that a link to DM8 is provided (see Schedule of Minor Amendments).

- (ii) Paragraph 50 of the NPPF indicates that local planning authorities should plan for a mix of housing based on a number of factors. In the light of this and the expectation that the supply of housing should be boosted significantly what is the justification for generally resisting the conversion of single dwellings to two or more dwellings in part 3?

Part 3 is considered a critical component in ensuring that new conversions constitute sustainable development. Part 3 may also assist in maintaining a supply of housing stock of a suitable size for families, a shortage of which is identified within the SHMA (2013). It is proposed to update paragraph 3.40 to reflect this and to amend the wording to DM3 (3) to read more positively (see Schedule of Minor Amendments).

- (iii) The information in paragraph 3.39 of the SDM is noted but does the SHMA of 2013 offer any support for the proposed approach in part 3? Is the policy consistent with Policy Table 2 under Policy DM7 which allows for up to 31% of 1 and 2 bed units for private residential development?

The SHMA (2013) identifies a shortage of family accommodation in Southend despite demand for this type of dwelling, and that Southend has a higher percentage of flats/maisonettes and 1-bed properties compared to the housing

market area, as set out within the supporting text to DM7 (paragraph 5.6 and 5.7). In terms of preferred dwelling mix, as set out within Policy Table 2 of DM7, there is evidently a greater need for larger dwellings which, it is stated, will seek to address the under supply of family accommodation identified by the SHMA; the preferred mix sets out a lower requirement for 1-bed units.

For clarity, it is proposed to draw reference to the SHMA (2013) and DM7 within paragraph 3.40 in recognition that while conversions can play an important role in meeting local housing mix as set out in Policy Table 2 under DM7, there is also a need to retain single family dwellings (see Schedule of Minor Amendments).

- (iv) In part 3(ii) how will the setting of a precedent be judged? Does this criterion provide sufficient clarity about how such proposals will be determined?

Noted; for clarity it is proposed to delete 'precedent' from 3(ii) (see Schedule of Minor Amendments).

- (v) Is there any further specific evidence beyond that referred to in paragraphs 3.41-3.44 that the stock of bungalows should be retained in order to meet the needs of older and disabled residents?

As referred to in Paragraph 5.48 of the supporting text to Policy DM9, the Southend Health and Wellbeing Strategy (2013-2015) seeks to support independent living, and the Older Peoples' Accommodation Strategy (2008-2011) and Older Peoples' Strategy (2007-2010) both support a continued reduction in the rate of admission of older people to residential care.

As the Southend Older People's Accommodation & Support Needs Strategy 2008-2011 reports, a significant proportion of the local population aged 55+ live in a house or bungalow, and the SHMA (2013) identifies that bungalows represent 12% of Southend's existing housing stock. Clearly the existing stock of bungalows in Southend provide an effective means of allowing Southend's older residents to remain living in their own home and community for as long as possible and it is proposed to draw reference to this additional evidence within paragraphs 3.42 and 3.43 of the supporting text to DM3 (see Schedule of Minor Amendments).

- (vi) Does part 4(i) properly reflect the Southend Borough-wide Character Study and specifically the Key Issues on Variety (p143)?

Part 4(i) is considered to be consistent with the Character Study, which within the final paragraph on p143, highlights the circumstances where the development of single storey dwellings are likely to be unacceptable, '...areas which comprise large areas of bungalows, creating a consistent scale and a defined character which might easily be broken through insensitive development.' It is proposed to amend paragraph 3.45 to provide clarity on this (see Schedule of Minor Amendments).

- (vii) How will part 4(ii) be interpreted when dealing with individual applications? Is it sufficiently clear and effective?

Noted; it is proposed to amend 4(ii) to provide more clarity and highlight that this relates to the needs of Southend's older population. It is considered that these proposed amendments will ensure the policy criterion is clear and effective (see Schedule of Minor Amendments).

## **Policy DM4 – Tall and Large Buildings**

- (i) The definition in paragraph 3.48 and the policy would appear to include any taller or larger building in a residential area – for example, a two-storey development in a single storey neighbourhood. Is this justified? Given that tall buildings are generally to be limited to the Central Area should a more specific definition in terms of storey heights be given?

The definition in paragraph 3.48 is only intended to be applied to those buildings that are substantially taller than their surroundings and/or those which significantly change the skyline, and would not apply to a two storey development in a single storey neighbourhood for example. This has been informed by the English Heritage / CABI Guidance on Tall Buildings (2007), which does not rigorously define what is or is not a tall building, and the Southend Character Study (2011), which highlights that context is particularly important for tall buildings. Given the generally varied nature of the Borough, including the Central Area, as described in the Southend Character Study (2011), it is not considered necessary to further define a tall building in terms of storey height. For clarity, it is proposed to draw reference to the English Heritage / CABI Guidance within the supporting text, and to reflect the terminology in Part 1 of the Policy (see Schedule of Minor Amendments).

- (ii) Should the exceptional circumstances where tall or large buildings might be considered outside the Central Area be specified in the policy itself?

Noted; for clarity it is proposed to update part 1 of DM4 to set out the circumstances within which tall buildings may be considered acceptable outside of the Central Area, as is set out in the supporting text (see Schedule of Minor Amendments).

- (iii) Does the penultimate sentence of the main paragraph of part 1 comply with the principles for policies in the NPPF?

It is proposed to delete the penultimate sentence of part 1 (see Schedule of Minor Amendments).

- (iv) Has account been taken of the Guidance on Tall Buildings (English Heritage/CABI, 2007)?

Policy DM4 has taken account of the English Heritage/CABI Guidance on Tall Buildings (2007) and it is proposed to include reference to this within paragraph 3.48 and to reflect its terminology (see Schedule of Minor Amendments).

- (v) Are there important views and vistas in the Borough, as referred to in paragraph 3.51, which need to be defined?

As set out in paragraph 3.51, important local views are considered to be those of the seafront and estuary, how the town is viewed from the estuary, and views of heritage assets. For the Central Area, further guidance on key views will be contained within the Southend Central Area Action Plan. It is not considered that further definition is required within paragraph 3.51.

## **Policy DM5 – Historic Environment**

- (i) Does the Council consider that locally listed buildings and/or frontages of townscape merit should be treated as non-designated heritage assets? If so, having regard to paragraph 135 of the NPPF, this should be recorded.

Noted; both locally listed buildings and frontages of townscape merit are to be treated as non-designated heritage assets. It is proposed to update the supporting text at paragraph 3.56 to reflect this in line with the NPPF (see Schedule of Minor Amendments).

- (ii) In part 2 there is reference to “exceptional circumstances” but the NPPF refers to public benefits that might outweigh any harm or loss in paragraphs 133 and 134. To be consistent with national policy should the wording of the policy reflect the NPPF more closely and also distinguish between substantial harm and less than substantial harm?

Noted; it is proposed to distinguish between substantial harm and less than substantial harm within the supporting text, and to amend Part 1 and 2 to more closely reflect the NPPF in regard to the policy approach to designated heritage assets and non-designated heritage assets (see Schedule of Minor Amendments).

### **Policy DM6 – The Seafront**

- (i) Should the policy more proactively support the natural areas by increased information facilities and physical access?

Policy DM6(5) outlines that proposals for water recreation and other leisure and tourism facilities are required to demonstrate that they contribute to the positive appreciation of natural resources and biodiversity of the foreshore by visitors and users. It is considered that facilities for water recreation and other leisure and tourism facilities are well suited to deliver the types of positive enhancements described and these may be incorporated within development proposals. It is considered that not all development proposals within the vicinity of the seafront will be able to feasibly deliver these requirements, and therefore no amendments are proposed.

- (ii) Are the buildings referred to in part 3 listed or documented anywhere?

The policy provides an indication of the types of buildings along the seafront that are considered by the Council to have sufficient value to warrant a policy approach to ensure they are retained and protected, including: those which form a cohesive frontage; those which have historic context; buildings that are recognised as key landmarks; and those buildings that contribute to a distinctive sense of place.

Further detail on these types of buildings are included within supporting documents - buildings within conservation areas are depicted on the Policies Map for example, and further detail on these areas together with other heritage assets are listed on the Council’s website; landmark buildings within the Central Area are listed within the Southend Central AAP; and the Southend Character Study (2011), at p144/5, discusses ‘key characteristics of distinct areas along the seafront’, providing an appraisal of those buildings/groups of buildings that contribute to local character and distinctiveness.

- (iii) In Policy Table 1 there are references to improving design quality in Zone 3 (ii) and enhancing the character of the area in Zone 4 (vii) and Zone 5 (v). Should development be expected to “enhance” or “improve”?

Noted; it is proposed to replace the use of ‘improves’ with ‘enhances’ in Zone 3 (ii) to ensure a consistent use of terminology for each ‘Zone’. The use of

'enhances' is considered appropriate and in conformity with the NPPF and Planning Practice Guidance (see Schedule of Minor Amendments).

- (iv) In Zone 4 (v) should the approach towards the demolition of heritage assets more closely reflect national policy and be consistent with Policy DM5?

Noted; it is proposed to amend point (v) of Zone 4 to draw reference to Policy DM5, to which amendments have been proposed to more closely reflect national policy (see Schedule of Minor Amendments).

### **Policy DM7 – Dwelling Mix, Size and Type**

- (i) The schedule of minor amendments (SD3) inserts the word "major" into the policy but how is this defined in this context?

Major development is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

(i) the number of dwelling-houses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development would constitute 10 dwellings or more.

The definition of major development mirrors the Order for the purpose of this policy. It is proposed that this is stated within the document below policy DM7 for clarification (see Schedule of Minor Amendments).

- (ii) Should further explanation be given as to what is meant by "appropriate sites" for family housing?

The insertion of "major" into the Policy negates the need for reference to "appropriate sites". However, it is proposed to ensure there is flexibility within the Policy for sites where a developer is able to demonstrate that family housing cannot feasibly be provided on site (see Schedule of Minor Amendments).

- (iii) Should the circumstances in which a significant deviation from the preferred mix be specified?

Paragraph 5.8 of the supporting text provides the context for the preferred dwelling mix as set out by the policy. It outlines that it is not to be treated as a definitive mix but to be used during negotiations. On this basis, the circumstances in which deviation from the preferred mix may be considered are set out in paragraph 5.8 and for clarity it is proposed to highlight this, and also draw reference to viability implications of the preferred mix on a development proposal (see Schedule of Minor Amendments).

### **Policy DM8 – Residential Standards**

- (i) Is the principle of setting residential standards consistent with Government policy?

Southend's 'Housing Quality Review' (2011) and its Housing Quality Review Addendum (2014) provide the context and justification for the setting of residential space standards in Southend. This outlines that the proposed

approach is consistent with government policy and provides a reasoned approach.

- (ii) Does the policy contain sufficient flexibility for conversion schemes?

It is considered that the minimum space standards are set at an appropriate and deliverable level for all property types and tenures, including conversions, and will facilitate sustainable development within Southend. The Housing Quality Review (2011) outlines that the majority of completed dwellings are already meeting the space standards proposed; which indicates that these standards are deliverable. This is supported by the findings of the Southend Combined Policy Viability Study (2013). As such it is not considered that the policy needs to contain flexibility for conversion schemes.

- (iii) In part 1(ii) is "must" too prescriptive?

Noted; it is accepted that 'must' can be removed (see Schedule of Minor Amendments).

- (iv) In part 1(iv) what is the definition of "major" in this context?

Major development is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

(i) the number of dwelling-houses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development would constitute 10 dwellings or more.

The definition of major development mirrors the Order for the purpose of this policy and it is proposed that this is stated within the document for clarification (see Schedule of Minor Amendments).

- (v) Is the expectation that all residential schemes should have private outdoor amenity space justified?

As a starting point it is expected that all residential schemes should provide private outdoor amenity space as this, as paragraph 5.40 outlines, is considered to be an important asset. This is considered to be in line with NPPF paragraph 17 which acknowledges that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The supporting text, at paragraph 5.41, does however recognise that for flatted schemes balconies may take the place of a garden, and that easily accessible semi-private communal areas can also be beneficial. It is therefore proposed to reflect this within criterion 1(v) of Policy DM8. The policy does provide further flexibility as it is recognised that it will not always be feasible to meet this requirement as this can be dependent on the individual circumstances of a development site. As such the policy provides opportunity for exceptional circumstances to be demonstrated where it is not justifiably feasible to provide amenity space (see Schedule of Minor Amendments).

- (vi) Does the last paragraph of part 1 adhere to the principles for plan-making in the NPPF outlined above?

Noted; it is proposed that the last paragraph of part 1 is deleted (see Schedule of Minor Amendments).

### **Policy DM11 – Employment Areas**

- (i) In part 5(ii) how could a B1 use give rise to unacceptable environmental problems?

Noted; it is proposed that B1 is removed from the list of land uses referred to in criterion 5(ii) (see Schedule of Minor Amendments).

- (ii) Does part 6 adhere to the principles for plan-making in the NPPF outlined above?

Noted; it is recognised that this statement is more suited to the supporting text and should not be included as policy (see Schedule of Minor Amendments).

### **Policy DM12 – Visitor Accommodation**

- (i) Should part 2 cross-refer to Appendix 4?

Noted; it is proposed that reference to Appendix 4 Part A and paragraph 6.36 of the supporting text is made in part 2(i) (see Schedule of Minor Amendments).

### **Policy DM13 – Shopping Frontage Management**

- (i) What is the justification for the definition and extent of the primary and secondary frontages shown on the Policies Map?

The justification is provided in the Technical Report – The Management of Designated Shopping Frontages in Southend-on-Sea (2013). This Technical Report presents the findings of a use class survey and suggests amendments to individual frontages based on these findings.

- (ii) What is the rationale for the 60% limitation in relation to primary frontages in part 2?

The rationale is provided in the Technical Report – The Management of Designated Shopping Frontages in Southend-on-Sea (2013). The report highlights that an over-concentration of non-retail uses within the primary frontage can detract from its shopping function and may prejudice its vitality and viability, create extensive lengths of "dead" frontage and a lack of proper shop window displays. Maintaining a high concentration of retail uses ensures the attractiveness of the centres as accessible, diverse shopping areas; which is paramount to the vitality and viability of the local economy.

The Technical Report (2013) concludes that in order for the centres to remain viable, enabling them to evolve and diversify in order to continue to sustainably meet the needs of the local communities they serve and yet maintain their retail focus, a minimum Primary Shopping Frontage threshold of 60% is considered appropriate.

- (iii) How many of the centres are already below 60% of Class A1 uses?

As reported in Table 2 of the Technical Report – The Management of Designated Shopping Frontages in Southend-on-Sea (2013), none of the centres are below 60% of Class A1 uses.



- (iv) Paragraph 6.47 refers to maintaining the character and function of secondary frontages but how is this to be achieved?

This will be achieved by fulfilling criterion 3 of the policy, which states that all developments must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public. For clarity, it is proposed to update paragraph 6.47 to clearly reflect this by drawing reference to providing an active frontage (see Schedule of Minor Amendments).

- (v) Is a secondary frontage justified in West Street?

Justification is provided in the Technical Report – The Management of Designated Shopping Frontages in Southend-on-Sea (2013), which ensured that the designation was appropriate in terms of its length and location. The addendum to the Technical Report (2014) highlights that the secondary frontage at West Street provides an important local service and it is therefore considered that this secondary frontage designation is justified.

### **Policy DM15 – Sustainable Transport Management**

- (i) Should the policy include provision for the funding of new highway infrastructure?

It is not considered that the policy needs to include provision for funding of new highway infrastructure. Funding for highway infrastructure is detailed in other related Southend strategy documents, as referred to in the SDM, including the Southend Local Transport Plan, the Core Strategy DPD, and the Community Infrastructure Levy (which is currently being prepared by the Council).

- (ii) Is it reasonable for part 3 to apply to all development proposals and to incorporate provision for high quality public transport facilities?

Noted; it is considered that the policy at Part 3 (ii) and (iii) needs further clarification to highlight that this part of the policy should only relate to 'major' development proposals. The definition of 'major' is provided in the response to (iii) of the Inspectors questions below (see Schedule of Minor Amendments).

- (iii) In part 4 what is the definition of "major development" in this context?

Major development is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

(i) the number of dwelling-houses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development would constitute 10 dwellings or more.

The definition of major development mirrors the Order for the purpose of this policy. It is proposed that this stated within the document for clarification (see Schedule of Minor Amendments).

- (iv) Given the priority given to alternatives to the private car should the vehicle parking standards only be applied flexibly in exceptional circumstances in part

5? What is meant by a sustainable location with frequent and extensive links to public transport?

Although alternatives to the private car are prioritised within the policy, the Parking Review Addendum 2013 reports that while existing maximum parking standards in residential developments have restricted the amount of parking available, the ownership of cars has not reduced and in some cases developments have contributed to localised parking pressures. Part 5 therefore addresses this, ensuring adequate spaces are provided for cars within residential developments. Flexibility is therefore only considered appropriate in exceptional circumstances and will ensure that there will not be an unsustainable increased pressure on on-street parking.

Sustainable locations with frequent and extensive links to public transport have easy access to education, healthcare, food shopping and employment opportunities, and have direct and easy pedestrian access to more than one means of public transport which offer frequent services, such as train stations and bus stops. It is proposed to add reference to this within the supporting text at paragraph 8.11 (see Schedule of Minor Amendments).

- (v) Paragraph 8.11 indicates that consideration will also be given to whether the rigid application of standards would have a detrimental impact on local character and context. Should this matter also be included within the policy in part 5?

Noted; it is proposed to amend part 5 to include reference to the 'detrimental impact on local character and context' to reflect the reference to this contained within the supporting text at paragraph 8.11 (see Schedule of Minor Amendments).

- (vi) In setting the parking standards in Appendix 6 how have the factors in paragraph 39 of the NPPF been taken into account?

The parking standards for Southend have sought to address the factors outlined in paragraph 39 of the NPPF. This is set out in the supporting text to DM15, which draws reference to the Southend Parking Review Addendum (2013) that considered car ownership levels, the contribution of development to localised parking pressures, and the need therefore to apply minimum standards at trip origin and maximum standards at trip destination to address this, having regard for different types and uses of development. This approach has also taken into account opportunities for public transport and the accessibility of a development, and flexibility has been added to the policy to account for this. Furthermore, Policy DM15(3) seeks to promote viable alternatives to private vehicle use.

- (vii) Given the particular character of Southend is it reasonable to use the EPOA Parking Standards as the basis for setting local standards?

It is considered that the EPOA Parking Standards: Design and Good Practice Guide (2009), which have been produced collaboratively across Essex, provide an appropriate basis for setting local parking standards. This document allows for a reduction in vehicle parking standards in what are described as 'main urban areas'. This has been recognised within the Policy and the standard outlined for the Central Area of Southend. The Policy also provides flexibility in the application of residential parking standards where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these

standards would have a clear detrimental impact on local character and context and where reliance upon on street parking is appropriate and there is capacity.

- (viii) In Table A5(2) of Appendix 6 how are Appropriate Standards to be interpreted in the Central Area?

This standard is neither a minimum or maximum figure but rather a standard that should be met unless circumstances, as referred to in Part 5 of the Policy, can be demonstrated as to why it cannot be achieved.

### **Further Development Management Policies**

- (i) Should the SDM include a policy to guard against the unnecessary loss of valued facilities and services in line with paragraph 70 of the NPPF?

As explained in SD10 Soundness Self-Assessment Checklist, Policy DM12 and DM13 set out the Council's approach for positively managing visitor accommodation and designated shopping frontages respectively.

The adopted Core Strategy contains policies (CP6 and CP7) that safeguard existing, and promote the provision of new, leisure, cultural, recreational and community facilities. As such, it is not considered necessary for a more detailed policy on these issues to be included in the SDM.

- (ii) Should a policy be included regarding telecommunications development?

Core Strategy Policy CP1 (8) seeks to improve the level of service of broadband infrastructure and other state of the art information communication technology. This is reinforced by the supporting text to this policy which states at 3.13 iii the intention to ensure the area is well connected to the information and communication technology network.

A review of the Core Strategy, as set out in the LDS, is proposed and this will provide an opportunity to consider this further. However, in addition to Policy CP1 the Council's adopted Design and Townscape Guide SPD1 in Chapter 12 provides design guidance specific to the siting of telecommunications antennae and it is therefore considered that a specific telecommunications policy is not required within the SDM.

### **Other Matter**

Paragraph 8.8, final line – trip origin rather than tip origin?

Noted; it is proposed that paragraph 8.8 is amended (see Schedule of Minor Amendments).