

EXAMINATION OF THE SOUTHEND-ON-SEA DEVELOPMENT MANAGEMENT DPD

INSPECTOR'S QUESTIONS TO THE COUNCIL

The following questions have arisen from my initial examination of the Southend Development Management DPD (revised proposed submission March 2014) (SDM) and the supporting material, including the evidence base. In framing them I have had regard not only to the definition of soundness at paragraph 182 of the National Planning Policy Framework (NPPF) but also the principles for Local Plans set out in paragraph 157. The NPPF also establishes that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. The SDM should therefore set out clear policies on what will or will not be permitted.

In the light of this my view is that the main issues regarding the soundness of the SDM are as follows:

Issue 1: Are the policies consistent with, and do they positively promote, the aim, strategic objectives and key policies contained in the Core Strategy?

Issue 2: Are the individual policies clear, justified and consistent with national policy?

In this note I shall pose questions of the Council that potentially go to matters of soundness or which concern representations made. If the response to any question or comment can be given by directing me to section(s) of the supporting documents and evidence base, then it can be dealt with in that way. However, this is the Council's main opportunity to respond to these points as I shall not be inviting hearing statements. Brevity is nevertheless also to be encouraged. The reply to my questions should be sent to the Programme Officer by **Friday 26 September 2014**.

A schedule of minor amendments has been produced (Document SD3 of the Submission Documents). Some of these respond to representations made during the pre-submission consultation exercise. This table should be kept up-to-date throughout the examination process, including any alterations that arise from my questions, and posted on the Examination website at appropriate times. The latest version should be available just prior to the hearing.

In due course the schedule should distinguish between main and additional modifications having regard to the provisions of sections 20 and 23 of the Planning and Compulsory Purchase Act 2004. Additional modifications are those that do not affect the policies. These can be discussed during the hearing.

INITIAL QUESTIONS

Issue 1

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

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?
- (ii) Should all development be expected to “enhance” in criterion (i)?
- (iii) In criterion (iv) is “the sense of overbearing” an effective expression? Does this mean visual enclosure?
- (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?

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?
- (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?

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?
- (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?
- (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?

- (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?
- (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?
- (vi) Does part 4(i) properly reflect the Southend Borough-wide Character Study and specifically the Key Issues on Variety (p143)?
- (vii) How will part 4(ii) be interpreted when dealing with individual applications? Is it sufficiently clear and effective?

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?
- (ii) Should the exceptional circumstances where tall or large buildings might be considered outside the Central Area be specified in the policy itself?
- (iii) Does the penultimate sentence of the main paragraph of part 1 comply with the principles for policies in the NPPF?
- (iv) Has account been taken of the Guidance on Tall Buildings (English Heritage/CABE, 2007)?
- (v) Are there important views and vistas in the Borough, as referred to in paragraph 3.51, which need to be defined?

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.
- (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?

Policy DM6 – The Seafront

- (i) Should the policy more proactively support the natural areas by increased information facilities and physical access?
- (ii) Are the buildings referred to in part 3 listed or documented anywhere?
- (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”?

- (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?

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?
- (ii) Should further explanation be given as to what is meant by “appropriate sites” for family housing?
- (iii) Should the circumstances in which a significant deviation from the preferred mix be specified?

Policy DM8 – Residential Standards

- (i) Is the principle of setting residential standards consistent with Government policy?
- (ii) Does the policy contain sufficient flexibility for conversion schemes?
- (iii) In part 1(ii) is “must” too prescriptive?
- (iv) In part 1(iv) what is the definition of “major” in this context?
- (v) Is the expectation that all residential schemes should have private outdoor amenity space justified?
- (vi) Does the last paragraph of part 1 adhere to the principles for plan-making in the NPPF outlined above?

Policy DM11 – Employment Areas

- (i) In part 5(ii) how could a B1 use give rise to unacceptable environmental problems?
- (ii) Does part 6 adhere to the principles for plan-making in the NPPF outlined above?

Policy DM12 – Visitor Accommodation

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

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?
- (ii) What is the rationale for the 60% limitation in relation to primary frontages in part 2?
- (iii) How many of the centres are already 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?
- (v) Is a secondary frontage justified in West Street?

Policy DM15 – Sustainable Transport Management

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

- (ii) Is it reasonable for part 3 to apply to all development proposals and to incorporate provision for high quality public transport facilities?
- (iii) In part 4 what is the definition of "major development" in this context?
- (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?
- (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?
- (vi) In setting the parking standards in Appendix 6 how have the factors in paragraph 39 of the NPPF been taken into account?
- (vii) Given the particular character of Southend is it reasonable to use the EPOA Parking Standards as the basis for setting local standards?
- (viii) In Table A5(2) of Appendix 6 how are Appropriate Standards to be interpreted in the Central Area?

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

Other Matter

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

I have attempted to be comprehensive at this stage in order to assist the progress of the examination. If anything is not clear or further explanation is required of what I am asking then please contact me via the Programme Officer.

David Smith

INSPECTOR

28 August 2014