

## **EXAMINATION OF THE SOUTHEND-ON-SEA DEVELOPMENT MANAGEMENT DPD**

Please reply to the Programme Officer Kerry Freeman  
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28 November 2014

Mr M Thomas  
Team Leader, Strategic Planning  
Southend on Sea Borough Council

Dear Mr Thomas

### **MODIFICATIONS TO THE SOUTHEND-ON-SEA DEVELOPMENT MANAGEMENT DPD**

1. As indicated in the hearing session on 11 November and as confirmed by the subsequent Note (EXDM008) I am writing to set out my interim views on the proposed modifications and any further modifications needed to make the DPD sound. I shall also confirm actions that I understand that the Council is proposing to take. I have given full consideration to all the representations made about the Plan including the oral contributions at the hearing and the further evidence provided after the hearing.
2. Where necessary and having regard to the criteria for soundness, I shall provide brief explanations for my preliminary findings. These are given here without prejudice to the conclusions that will appear in the report. This will also cover any other issues that arose during the examination but which are not dealt with in this letter. At the hearing the Council introduced a number of additional suggested amendments in response to the agenda. Any comments are based on these versions of the policies. As requested by the Council I shall also provide some specific suggestions regarding wording to ensure that policies are effective.

#### **Policy DM1**

3. To be entirely consistent with national policy in paragraph 58 of the NPPF the policy should refer to the "overall" quality of the area.

#### **Policy DM2**

4. The Technical Consultation of the Housing Standards Review (DCLG, September 2014) indicates that the Code for Sustainable Homes will be wound down from the time that the Government's statement of policy regarding the application of the standards is made. It is intended to issue this in early 2015. Whilst plan policies should not refer to the Code from after that date, retaining

the policy now is not inconsistent with Government policy. This matter should be kept under review and some explanatory text added after paragraph 3.23 to explain the position and, in particular, to indicate whether the Council intends to issue a position statement or undertake a partial review in due course.

### **Policy DM3**

5. As there is no specific objection to the loss of family-sized accommodation per se the reference to this factor should be removed from M12 of the schedule of minor amendments. Similarly in new criterion (iii) of part 3) the reference to the function of providing family accommodation is not supported by evidence or effective. My understanding is that it is the specific consequences of sub-division that the Council wishes to control. I therefore suggest that it considers revising criterion (iii) along the lines of "lead to a detrimental change of a street's function". The Council may also wish to consider expanding the supporting text in this respect although paragraph 3.40 already refers to cumulative impact and population growth.
6. To be effective criterion (ii) of part 4 should read "will not result in a net loss of housing accommodation suitable for the needs of Southend's older residents having regard to the Lifetime Homes Standards". In paragraph 3.43 the Council should consider indicating how it defines "older residents". The evidence in the SHMA suggests that those over 75 years of age might be categorised in this way.
7. The sentiments in the last sentence on p143 of the Southend Borough-wide Character Study under Key Issues on Variety should be included in paragraph 3.45.

### **Policy DM5**

8. For effectiveness the policy should be adjusted by adding "and any public benefits" after "the significance of the asset".

### **Policy DM6**

9. The Council is to give consideration to providing further specific details of the existing buildings referred to by the policy (especially those outside conservation areas) in a revised Appendix 10.
10. In line with Policy DM1 the zones in Policy Table 1 should refer to the "overall" quality of the area.

### **Policy DM8**

11. In a similar way to Policy DM2 the progress of the Housing Standards Review in relation to space standards should be kept under review. Some explanatory text should also be added after

paragraph 5.24 to explain the position and, in particular, to indicate whether the Council intends to issue a position statement or undertake a partial review in due course.

### **Policy DM13**

12. In addition to the Policies Map and to provide adequate detail the Council should consider adding plans defining the Secondary Frontages as an Appendix. These could be based on those within Appendix E of the Technical Report although with headings to indicate their location.
13. The Council wish the policy to apply to applications under the prior approval process in relation to Class IA. However, to be effective, consideration should be given to providing further explanation as to how the matters in Class IA.2 (1)(b)(iv)(aa) and (bb) will be applied. In particular, does the 60% threshold in primary frontages equate to an adequate provision of services? Do the marketing criteria in appendix 4 apply in determining whether there is a reasonable prospect of the building being used to provide such services? Is a "key shopping area" the same as the defined primary shopping frontages? As developments within secondary frontages are required to maintain active frontages and retain direct services to the public would this preclude residential uses? If so, is this consistent with national policy?

### **Policy DM15**

14. Having regard to the information in the Southend Parking Review Addendum regarding cars per household and the proportion of households with 2 or more cars the Council is considering a further qualification to the residential standards referring to the size and type of dwelling.

### **Policy P1**

15. This policy reiterates national policy and is to be deleted.

### **Next steps**

16. I am not inviting comments from the Council or anyone else on the interim views expressed in this letter. They are primarily provided for the purpose of identifying the matters where I consider further modifications are required to achieve soundness or to confirm actions to be taken. Could the Council let me know as soon as possible if there are any points of fact or clarification that it wishes me to address.
17. I therefore now invite the Council to propose Main Modifications to the DPD in order to deal with the matters referred to in this letter after carrying out any necessary Sustainability Appraisal and Habitats Regulations assessment. As a result of these modifications

it may be necessary for other, consequential changes to be made to the Plan that are not covered in this letter. The Council should ensure that the Plan reads coherently as a whole after these have been undertaken.

18. Once the Council has considered its position and produced a consolidated set of Main Modifications in response to this letter it would be prudent for me to see the updated schedule in order to avoid any obvious procedural or soundness issues.
19. On the conclusion of this process the Main Modifications should be the subject of a period of consultation of at least 6 weeks whilst making allowance for any holiday period. Could the Council please keep me informed of progress in this respect? In carrying out further consultation the Council should consider providing information about the nature of the main proposed modifications and make it clear that comments should solely address those changes. I confirm that I will take the responses to that consultation into account in compiling my final report.

*David Smith*

INSPECTOR