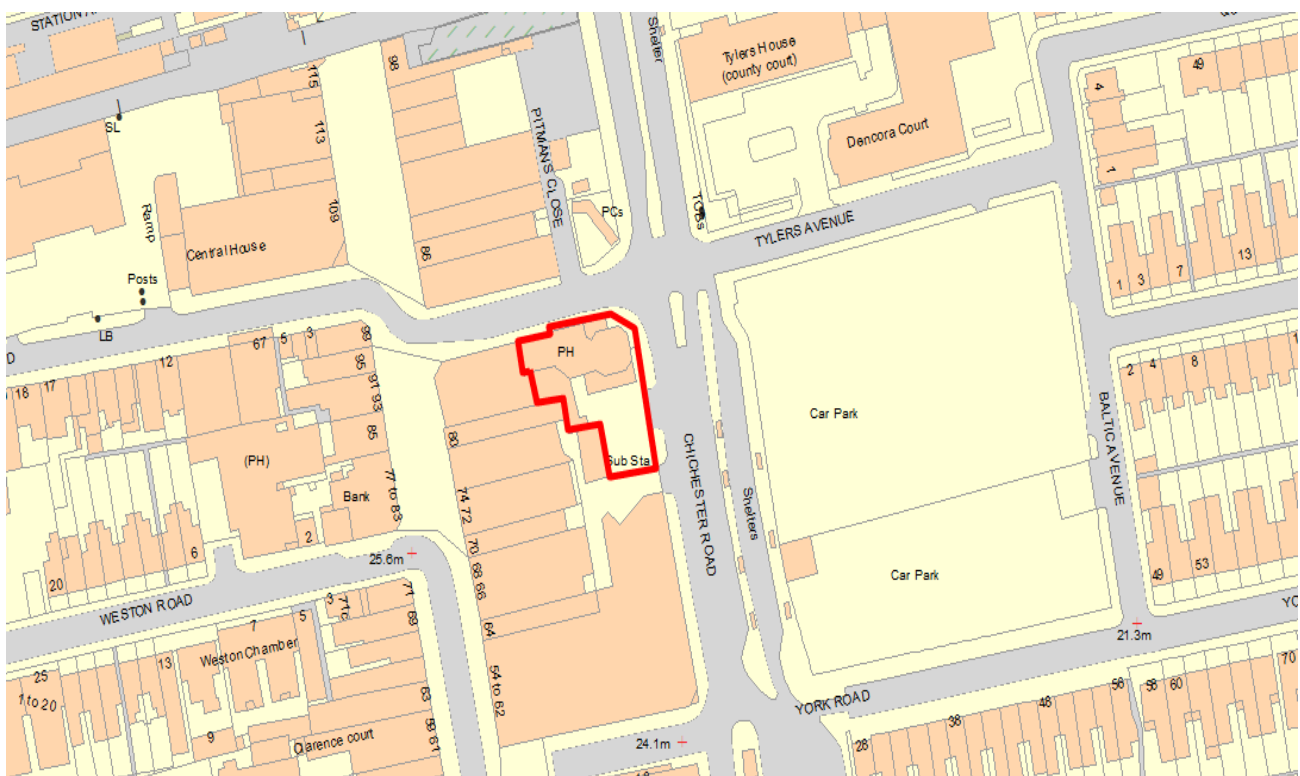


<b>Reference:</b>	17/02196/FULM
<b>Ward:</b>	Milton
<b>Proposal:</b>	Erect seven storey building comprising 21 self-contained flats with balconies and terraces and retain ground floor commercial unit (Flexible use Classes A1/A2/A3)
<b>Address:</b>	7 Tylers Avenue Southend-On-Sea
<b>Applicant:</b>	Sky Eagle Properties Limited
<b>Agent:</b>	Phase 2 Planning
<b>Consultation Expiry:</b>	03.05.2018
<b>Expiry Date:</b>	05.07.2018
<b>Case Officer:</b>	Robert Lilburn
<b>Plan Nos:</b>	01E, 01T, 1268-01,1268-02F, 1268-03D, 1268-04E, 1268-05B, 1268-06A, 1268-07B, 1268-09A, 1268-10A, 1268-11, 1268-12A, 1268-13, Planning, Design and Access Statement, Noise Impact Assessment, Transport Statement, Daylight and Sunlight Assessment, Sustainability and Energy Statement, Surface Water Assessment
<b>Recommendation:</b>	REFUSE PLANNING PERMISSION



## **1 The Proposal**

- 1.1 Planning permission is sought to erect a building of four storeys, rising to seven storeys, at the junction of Tylers Avenue and Chichester Road, incorporating 21 self-contained flats and ground floor commercial accommodation of flexible use designation between Classes A1, A2 and A3 (retail/professional services/restaurant) of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The submitted drawings indicate that the building would be finished externally in yellow brick with a substantial element of glazing, with unspecified white window frames. The commercial units would be predominantly glazed to the street frontage with fascia level signage, although the southernmost reach of the building would be blank walls and gates forming the boundary to a part-undercroft service yard.
- 1.3 The facades of the proposed building to the street frontages would include larger areas of glazing, recessed balconies and a splayed corner. A penthouse at 6<sup>th</sup> floor would include a feature overhanging roof. A recessed, fully-glazed entrance core would be sited at Chichester Road. The first floor and above would oversail slightly the ground below.
- 1.4 As an integral part of the development, a two-storey building facing on to Tylers Avenue would be retained, with a roof extension stepping up from one to two storeys above the existing. The applicant has proposed that the existing single-storey building at the junction of Tylers Avenue and Chichester Road would be retained in operation and subsumed into the development.
- 1.5 The commercial space would be accessed by pedestrian users via an entrance on Tylers Avenue and the apartments would be accessed via a dedicated entrance at Chichester Road. Individual apartments would be accessed via a decked arrangement of external 'corridors' to the building's rear.
- 1.6 Vehicular access to a rear loading area would be made via sliding gates for the purposes of loading and unloading in association with the commercial space only. This would be from Chichester Road where there is an existing vehicular crossover which would be retained. An existing service yard behind the Tylers Avenue frontage would also be retained for the commercial use.
- 1.7 No residents' car parking is proposed as part of the development, and in lieu of this a double-stacked cycle store for 48 bikes would be situated within a parcel of the rear loading area. External waste and recycling storage would also be provided within discrete compounds in this area.
- 1.8 The proposed accommodation would be scheduled as follows:
  - 5no. 1-bed flats;
  - 11no. 2-bed flats;
  - 5no. 3-bed flats.
- 1.9 The applicant has provided the following details of the proposed dwellings:

	Gross Internal Area/Accommodation	Private outdoor amenity space
Flat 1	78.8sqm 2 bed (3 persons)	6.4sqm
Flat 2	87.4sqm 3 bed (5 persons)	6.4sqm
Flat 3	70.1sqm 2 bed (3 persons)	6.4sqm
Flat 4	65.1sqm 1 bed (2 persons)	6.4sqm + 7.6sqm
Flat 5	78.9sqm 2 bed (3 persons)	6.5sqm
Flat 6	87.5sqm 3 bed (5 persons)	6.7sqm
Flat 7	69.1sqm 2 bed (3 persons)	6.7sqm
Flat 8	81.1sqm 2 bed (3 persons)	6.5sqm
Flat 9	79.4sqm 2 bed (3 persons)	6.4sqm
Flat 10	88.3sqm 3 bed (5 persons)	6.4sqm
Flat 11	69.4sqm 2 bed (3 persons)	6.4sqm
Flat 12	62.5sqm 1 bed (2 persons)	6.4sqm + 7.6sqm
Flat 13	102sqm 3 bed (5 persons)	28.5sqm
Flat 14	88.3sqm 3 bed (5 persons)	6.7sqm
Flat 15	69.9sqm 2 bed (3 persons)	6.7sqm
Flat 16	68.7sqm 2 bed (3 persons)	6.5sqm
Flat 17	50.5sqm 1 bed (2 persons)	37.5sqm
Flat 18	69.5sqm 2 bed (3 persons)	6.4sqm
Flat 19	61.5sqm 1 bed (2 persons)	6.4sqm + 7.1sqm
Flat 20	69.5sqm 2 bed (3 persons)	8.1sqm
Flat 21	57.8sqm 1 bed (2 persons)	22.2sqm

- 1.10 The applicant has indicated that 20% of the units would be affordable housing and has calculated this as 4 units. Further to Policy CP8, however, the requirement is calculated as 5 units, or 4 units plus a contribution equivalent to 0.8 of a unit towards affordable housing provision. No viability assessment has been submitted.
- 1.11 Outdoor amenity space is proposed as part of the development in balconies and roof terraces, as noted in the above table. There would be 3no. Communal roof terraces of 89.9sqm, 56.7sqm and 19.2sqm respectively, spread across the fourth, fifth and sixth floors. 14 of the flats would each have balconies of 6.4-6.7sqm, while a further 3 flats would each have an additional balcony of approximately 6sqm. One fourth floor flat would have a large private roof terrace along Tylers Avenue, and the sixth floor flats would have balconies of 8sqm and 22sqm respectively.
- 1.12 No specific landscaping details have been supplied. The submitted plans indicate that a mature street tree on Chichester Road would be retained.
- 1.13 It is noted that the submitted proposed layout plan 1268-02F wrongly refers to 'Grover Street', instead of Chichester Road, but this has not prejudiced the ability to undertake a full assessment of the impacts of the proposal.

## **2 Site and Surroundings**

- 2.1 The site comprises a joined single storey, flat and apex-roofed building and a two-storey flat-roofed building situated at the corner of and returning along Chichester Road and Tylers Avenue, together with a small service yard and outdoor seating area.
- 2.2 The buildings are finished externally in stock brick and painted grey, with cladding panels to the single storey building. According to the submitted plans, the site is currently in use as a bar/restaurant.

- 2.3 The site is at a point of transition from the High Street to the edge of the town centre and as such is bordered by car parks and service yards, and faces on to the relatively wide Chichester Road which is a main north-south thoroughfare for traffic. The principal backdrop to the site, though, is its setting within the older High Street buildings which rise in height from two storeys at Tyler's Avenue towards the three-storey Marks and Spencer building and the four-to-five storey building beyond.
- 2.4 The five-to-seven storey office blocks at Tyler's House and Dencora Court, towards the north-east of the application site, also form a reference point, as do the two-to-three storey terraced shops, flats and dwellings around the Tyler's Avenue car park.
- 2.5 The site is situated within the Southend Central Area (south) as identified on the policies map of the Development Management Document. It is situated within the Primary Shopping Area as identified on the policies map of the Southend Central Area Action Plan (SCAAP).
- 2.6 The Tylers Avenue frontage is identified in the SCAAP as a town centre secondary shopping frontage, and the Chichester Road frontage is identified as a visually active frontage.
- 2.7 The site is not within a conservation area and is located within Flood Zone 1.

### **3 Planning Considerations**

- 3.1 The main considerations are the principle of the development, design and impact on the character of the area, dwelling mix, living conditions for future occupiers, vitality and viability of the shopping frontage and town centre, impact on neighbouring properties, traffic and transport considerations, planning obligations and CIL.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework (NPPF), Policies KP1, KP2, CP1, CP2, CP3, CP4, CP6 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM2, DM3, DM4, DM7, DM8, DM10, DM14 and DM15 of the Southend-on-Sea Development Management Document (2015), the Southend Central Area Action Plan (SCAAP) (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.1 The NPPF states at paragraph 14 that it presumes in favour of sustainable development. Sustainable development is defined at paragraph 7 of the NPPF in economic, social and environmental terms. The core planning principles of the NPPF state the need to: *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*.
- 4.2 Policy KP1 of the Core Strategy seeks sustainable development. It states that the primary focus of regeneration and growth within Southend will be in Southend Town Centre and Central Area, to regenerate the existing town centre, as a fully competitive regional centre, securing a full range of quality sub-regional services to provide for 6,500 new jobs and providing for at least 2,000 additional homes. The site is located within the urban area and in accessibility

terms would be relatively sustainably located.

- 4.3 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood.
- 4.4 Policy CP1 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. Retail and leisure uses are to be focussed on the town centre.
- 4.5 Policy CP2 of the Core Strategy seeks to support the Town Centre as a regional centre including mixed-use development. A stated aim of Policy CP3 is to reduce reliance on the car in new development.
- 4.6 Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP6 requires that development mitigates its impacts on community infrastructure through appropriate contributions to education. Policy CP8 requires that development proposals contribute to local housing needs and seeks 80% or more of residential development on previously developed land.
- 4.7 Policy DM3 of the Development Management Document seeks the efficient and effective use of land.
- 4.8 Policy DM4 relates to buildings that are substantially taller and out of scale with their surroundings. It is considered that the proposed building does not fall into this definition.
- 4.9 Policies DM10 and DM11 seek to promote sustainable economic growth by directing major economic growth to the Southend Central Area.
- 4.10 Policy DP1 of the Southend Central Area Action Plan advocate the need for ground floors to be active with commercial premises and to remain active with residential uses located on upper floors.
- 4.11 The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre, to guide future development decisions. Within the SCAAP the application site is located on a key Public Realm Improvement Route, Chichester Road.
- 4.12 Policy DS1 of the SCAAP seeks appropriate 'direct service' uses and active frontages at secondary shopping frontages and supports upper-floor complementary uses such as residential which help to maintain or enhance the character and vitality of the centre.
- 4.13 Policy DS5 of the SCAAP seeks to improve road safety and the quality of the environment and to encourage visually active frontages including appropriately placed windows and entranceways to enliven blank frontages, as defined on the

## Policies Map.

- 4.14 Policy PA1 of the SCAAP seeks to support a net increase in dwellings above existing or new commercial development, where appropriate. Public realm improvements are also sought as part of new development consistent with the development plan policies and the Streetscape Manual and Design Guide. These include 'urban greening'.
- 4.15 The site is sustainably located in an accessible location. The proposal would add to the supply of housing at a location appropriately integrated to the urban area. The proposed uses would conform to the objectives of supporting active frontages and underpinning the vitality and viability of the Central Area.
- 4.16 The proposal would intensify the use of previously developed land which is acceptable as a broad principle, in line with objective of Policy DM3. In accordance with Policies CP1 and DM10 the development would retain the ground floor premises in a use which supports employment opportunity.
- 4.17 The principle of the mixed-use development at this location is therefore considered acceptable, subject to detailed considerations which are subject to analysis below.

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

**National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM4 of the Southend-on-Sea Development Management Document (2015) Policies DS1, DS5 and PA1 of the Southend Central Area Action Plan (SCAAP) (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.18 Paragraph 17 of the NPPF stipulates one of the twelve core planning principles is 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"*.
- 4.19 National Planning Policy Framework Sections 56 to 64 are of particular relevance. Paragraph 56 of the NPPF states; *"the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*.
- 4.20 Paragraph 64 of the NPPF states; *"that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.
- 4.21 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy. Policy KP2 seeks to secure improvements to the urban environment through quality design; and development that respects the character and scale of the existing neighbourhood where appropriate. Policy CP4 seeks excellence in design to create places of distinction and a sense of place.
- 4.22 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead

to over-intensification.

- 4.23 Policy DM4 relates to buildings that are substantially taller and out of scale with their surroundings. It is considered that the proposed building does not fall into this definition.
- 4.24 Policy DS5 of the SCAAP seeks a visually active frontage to Chichester Road.
- 4.25 The Design and Townscape Guide seeks to promote a high quality of design in new developments. It also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”* and that *“proposed development [should] make a positive contribution to the local area”*.
- 4.26 The site comprises a prominent corner plot and built-up return along Tylers Avenue, at the junction of Tylers Avenue and Chichester Road. It is occupied at the corner by a single-storey extension to the more established building along Tylers Avenue, which is a two-storey terraced building of traditional scale and appearance.
- 4.27 While the corner extension does not take the opportunity to form an appropriate sense of enclosure, or address the street with an active frontage, the terraced building makes a positive contribution to the street.
- 4.28 The surroundings comprise a mix of uses. At the opposite side of Chichester Road is a large surface car park, and beyond that a pair of seven and five storey office buildings (Tylers House and Dencora Court). In close proximity are the bus station and bus stands, with Chichester Road a main public transport route.
- 4.29 The immediate backdrop to the site is the long-established, more urban form of the town centre high-street shop buildings. These vary in scale from 4-5 storeys to 2-storey with service yards to the surrounding shops.
- 4.30 In front of the site is a large, mature street tree. This plane tree is the most significant tree in the area and is important to the townscape especially given the lack of tree cover in the immediate vicinity.
- 4.31 There are no heritage assets within the immediate vicinity of the site.
- 4.32 The site is prominently located, with long views possible from surrounding streets including the south forecourt of Central Station. In view of the characteristics of the single storey corner building, and its visually weak contribution, it is considered that the site would benefit from regeneration and an improved enclosure and frontage to Chichester Road.
- 4.33 The proposed development would be a maximum of seven storeys in height. This would be a considerable feature in juxtaposition with the surrounding built form. It would be highly visible from many viewpoints including the High Street from where views of the west elevation would be seen above the existing buildings.
- 4.34 There is no objection to the principle of a suitable increase in scale on this corner and facing Chichester Road, which could improve the sense of enclosure and form a focal point. However, the upper floors of the building would be extremely prominent widely, for example from Warrior Square and from surrounding streets to

the east. By virtue of its size, height and proximity, it is found that the building would be excessively dominant relative to the two-storey frontage at Tyler's Avenue. The scale, bulk and mass of the proposed building is considered excessive and unacceptable.

- 4.35 The third and fourth floors of the development would be in part constructed directly above the existing more traditional building on Tyler's Avenue. This building, by virtue of its age, form and appearance, reinforces local character and a sense of place. It is considered that the arrangement would dominate the traditional terraced building and would be visually incongruous, as the new build upper floors would not relate satisfactorily to the original below.
- 4.36 It is considered that this relationship, lacking a comprehensive approach towards the urban grain, would be poor design, detrimental to the townscape, and harmful to visual amenity. The effect would be exacerbated by the relative visual prominence of the development, the western reaches of which would be visible on approach from the north on Chichester Road, and from the railway station, Clifftown Road and High Street to the west.
- 4.37 The proposed west elevations of the building would be visible from Clifftown Road and High Street. These elevations include utilitarian external deck access to the flats and this contributes to a monotonous appearance which would be prominently visible within the town centre.
- 4.38 At the lower levels of the Tyler's Avenue elevation, the proposed scheme lacks positive reference to the existing building except for the signage alignment. In particular, the disparity in floor heights at second floor creates an awkward juxtaposition in the street scene.
- 4.39 Otherwise the proposal would include active frontages, except for the southern end of the Chichester Road elevation, which would be a consequence of the external yard arrangements. It is not considered however that sufficiently high quality materials and detailing would be capable of overcoming the fundamental design criticisms above.
- 4.40 At Chichester Road, the proposed layout appears to have been configured to respond to the presence of the large plane tree, which is situated on the public footpath. This is welcomed in principle, however no arboricultural survey has been submitted with the application and it is not clear that the proposed arrangement would be capable of adequately protecting the street tree.
- 4.41 The Council's tree officer has commented that the tree is viable but it would be unlikely to survive the development in the long term. It is considered that the development would be likely to lead to the loss of or damage to the street tree and that this would be harmful to the quality and appearance of the street scene and townscape and thereby contrary to policy objectives.
- 4.42 It is considered that by virtue of its combined size, scale, siting, mass and prominence and its detailed design in relationship to the existing building, the development would be unduly dominant, bulky and incongruous to the detriment of the street scene and wider townscape. The likely harm to the street tree would further harm the visual amenities of the area and would be contrary to the aim of



'urban greening' and associated improvement to the public realm.

- 4.43 The development would not be of a sufficiently high standard of design; it would be harmful to the character of the site and wider area and fails to take the available opportunities to improve the built environment, or enhance a sense of place. On this basis the proposal would not be sustainable development in environmental terms, is unacceptable and in conflict with the objectives of the development plan policies.

**Dwelling Mix and Affordable Housing Policies KP1, KP2 and CP8 of the Southend-on-Sea Core Strategy (2007), Policy DM7 of the Southend-on-Sea Development Management Document (2015)**

- 4.44 Paragraph 50 of the NPPF states that planning should deliver a wide choice of high quality homes, widen opportunities for home ownership and create suitable, inclusive and mixed communities.
- 4.45 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand.
- 4.46 Policy CP8 of the Core Strategy seeks to ensure that all residential proposals of 10-49 make an affordable housing or key worker provision of not less than 20% of the total number of units on site.
- 4.47 The Council seeks to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes preferred by the abovementioned policy for market housing and those proposed by this application are shown in the tables below.

Dwelling size	1 bedroom	2 bedroom	3 bedroom	4 bedroom
Policy position	9%	22%	49%	20%
Proposal	24%	52%	24%	0%

- 4.48 Accounting for the required mix of affordable housing, which would equate to 2no. 1-bed units, 2no. 2-bed units and 1no. 3-bed unit (subject to Registered Providers specifications) the proposed market dwelling mix would be altered as follows:

Dwelling size	1 bedroom	2 bedroom	3 bedroom	4 bedroom
Policy position	9%	22%	49%	20%
Proposal	19%	56%	25%	0%

- 4.49 It is recognised at a town centre location a smaller proportion of family dwellings may be sought. The applicant has stated in the submitted Planning, Design and Access Statement that this is the rationale behind the proposed dwelling mix. Given the town centre location, a reduced proportion of larger units is considered acceptable.
- 4.50 The development is considered consistent with Policy DM7 of the Development Management Document and the NPPF and is considered acceptable with regard to

market dwelling mix.

- 4.51 However, the applicant has proposed the provision of Affordable Housing, at a level below the required proportion in terms of numbers of units on site or a combination of units on site and a sum of money for affordable housing delivery. Therefore the proposal would fail to meet the Council's policies for provision of affordable housing and is unacceptable in that regard. It is also noted that in the absence of an obligation to secure any affordable housing contributions the proposal is in conflict with development plan policy.

#### **Living Conditions for Future Occupiers**

**National Planning Policy Framework, Policies KP2, CP4 and CP6 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM8 and DM14 of the Southend-on-Sea Development Management Document (2015), Policy DS1 of the Southend Central Area Action Plan (SCAAP) (2018), The National Technical Housing Standards DCLG 2015 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.52 One of the core planning principles of the NPPF is that the planning system should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*.
- 4.53 The internal sizes and layouts of the units are considered to be acceptable and will have a satisfactory size range from 50.5sqm to 102sqm complying with the National Technical Housing Standards. The majority of habitable rooms would benefit from sufficient outlook and daylight conditions, however those situated at the rear of the lower floors in particular would have a restricted outlook, would be subject to shadowing from the Marks and Spencer building to the south and daylight levels would be impacted by the upper storeys and northern second and third floors of the Tyler's Avenue flank of the new build. This is not a positive aspect of the scheme.
- 4.54 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 4.55 The Council's Design and Townscape Guide states: *"Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development"*.
- 4.56 The flats on the lower three storeys tend to have the smaller balconies, with communal terraces on separate (higher) floors. The internal areas of the flats exceed those in the Standards. The proximity of the dwellings to the service yards on site and adjacent the site is also noted. At a town centre setting this is considered to be not an unusual or necessarily unexpected relationship given the setting and is acceptable in this instance. In the event of a grant of planning permission, however, acoustic insulation would be required as a condition.
- 4.57 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these

standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.

- 4.58 The applicant has failed to confirm that the development would be built to comply with Building Regulations Standards M4(2). Furthermore, the development constitutes a major development and no information has been submitted to indicate that 10% of the dwellings would be built to be wheelchair accessible (M4(3)) standard, contrary to Policy DM8 of the Development Management Policy. A review of the submission suggests that the scheme would fail to achieve these standards. For example, no wheelchair circulation space appears to be available by the lift doors. An objection is therefore raised on this basis.
- 4.59 Policies DM1 of the Development Management Document and CP6 of the Core Strategy seek to minimise crime and the fear of crime in new developments. This is consistent with Paragraphs 58 and 69 of the NPPF. The applicant has not specified security and safety specifications to reduce the risk of crime or the fear of crime as part of the development. These details could however be sought as a condition of any planning permission.
- 4.60 Paragraph 17 of the National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.61 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 4.62 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight".
- 4.63 Policy DS1 of the SCAAP states that proposals in the town centre secondary shopping frontage, as defined on the Policies Map, must ensure that it would not be detrimental to those living or working nearby, for example by causing undue noise, odour and disturbance.
- 4.64 The applicant has not demonstrated how the proposed ground floor commercial uses would operate fume extraction in a manner compatible with the proposed residential development. The proposal is for A1, A2 and A3 flexible uses at ground floor, and it is possible that all such uses could be carried on without hot food preparation. However it is noted that there is already extraction equipment in association with the existing use.
- 4.65 The applicant has not demonstrated that the proposed residential uses would be insulated against noise intrusion resulting from surrounding commercial uses including external plant and equipment or road traffic noise. However this could be addressed through the use of planning conditions.

- 4.66 The proposed deck access would impinge on privacy to occupiers of the flats within the centre of the deck, with bedroom windows being passed at close proximity by those accessing neighbouring flats. This is not a positive aspect of the scheme.
- 4.67 Refuse storage has been shown on the submitted plans. It has not been made clear that the proposed waste stores would satisfactorily accommodate the requirements of the development with reference to the Council's waste storage and collection guidance. However this could be addressed through the use of planning conditions.

**Vitality and Viability of the Shopping Frontage and Town Centre  
National Planning Policy Framework, Policies KP2, CP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), Policies DS1 and PA1 of the Southend Central Area Action Plan (SCAAP) (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.68 Further to Policy CP2 of the Southend-on-Sea Core Strategy, and the provisions of the National Planning Policy Framework (NPPF), the town centre remains the first preference for all forms of retail development and for other town centre uses.
- 4.69 Policy DS1 of the SCAAP seeks an active frontage in the town centre secondary shopping frontages.
- 4.70 The proposal would present an active frontage to both Chichester Road and Tyler's Avenue elevations, albeit with an element of blank frontage at the service yard on Chichester Road, the details of which are noted above. This would improve upon the existing arrangement. This element of the proposal is considered to be acceptable and policy compliant.
- 4.71 The proposal would introduce upper storeys residential accommodation and add significantly to the supply of housing within the town centre. The proposal would therefore add to the vitality and viability of the town centre and its shops and services
- 4.72 The proposal is therefore considered to be acceptable and policy compliant in these regards.

**Impact on Residential Amenity  
National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), Policy DS1 of the Southend Central Area Action Plan (SCAAP) (2018), and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.73 Paragraph 17 of the National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.74 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.

- 4.75 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.
- 4.76 Policy DS1 of the SCAAP states that proposals in the town centre secondary shopping frontage, as defined on the Policies Map, must ensure that it would not be detrimental to those living or working nearby, for example by causing undue noise, odour and disturbance.
- 4.77 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”* and that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”*.
- 4.78 Council tax records and a visual survey of the site and surroundings indicate that there are no immediately adjacent dwellings or flats that would be materially affected by any direct impacts of the proposed development, such as noise from occupiers or from comings and goings, from shadowing, daylight or visual impacts.
- 4.79 As a car-free development with secure cycle storage in an accessible location, close to public transport links, it may be expected that there would be limited additional vehicle movements associated with occupiers using public car parks, for example. There would also be additional servicing vehicle movements
- 4.80 Surrounding occupiers at High Street, Clifftown Road, York Road and Baltic Avenue may notice increased activity as a result of the development. However accounting for the distance and lively town centre location, together with the character of the existing use, it is considered that these impacts would be negligible.
- 4.81 The development would maintain the amenities of surrounding occupiers and therefore is acceptable and policy-compliant in this regard.

#### **Traffic and Transport Issues**

**National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.82 Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 4.83 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards and as such, one parking space would be required for each dwelling. However no off-street car parking is proposed.

- 4.84 The policy states that residential vehicle parking standards may be applied flexibly 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.
- 4.85 The site is located in a highly accessible position for public transport within close walking distance of Southend Central Rail Station. The bus station is also close by.
- 4.86 The applicant has submitted a Transport Statement and confirmed that a double provision of secure cycle storage would be made available for occupiers. The Statement has identified that the site has excellent links to public transport options. The proposal is therefore considered acceptable and policy-compliant in regards to its approach to parking and its impact on highway safety and the free flow of traffic.

### **Sustainability**

#### **National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)**

- 4.87 Policy KP2 of the Core Strategy states that *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”*.
- 4.88 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.
- 4.89 A condition could be attached to any planning permission, requiring energy efficient design measures and water efficient design measures, for example.

### **Community Infrastructure Levy**

#### **CIL Charging Schedule 2015**

- 4.90 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 would also be CIL liable.

### **Planning Obligations**

#### **The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), the Southend-on-Sea Core Strategy (2007) Strategic Objective SO7, Policies KP3 and CP8; the Southend-on-Sea Development Management Document (2015) Policy DM7 and the Southend-on-Sea Guide to Section 106 & Developer Contributions (2015)**

- 4.91 Policy KP3 of the Core Strategy requires that: *“In order to help the delivery of the Plan’s provisions the Borough Council will enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed”*.
- 4.92 In this instance, a contribution towards affordable housing and a contribution towards secondary education are of relevance. For information, primary education is covered by the Community Infrastructure Levy, as set out in the Council’s Infrastructure Delivery Plan and CIL Regulation 123 Infrastructure List, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests and the pooling restriction).
- 4.93 Paragraph 205 of the NPPF states: *“Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled”*.
- 4.94 The need to take viability into account in making decisions in relation to planning obligations on individual planning applications is reiterated in Paragraph: 019 Reference ID: 10-019-20140306 of the NPPG, which sets out the following guidance:
- 4.95 *“In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.*

*This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance”*.

- 4.96 Specifically in relation to incentivising the bringing back into use of brownfield sites, which the application site is, the NPPG also requires local planning authorities *“...to take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.” (NPPG Paragraph: 026 Reference ID: 10-026-20140306)”*.
- 4.97 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 which states the following: *“The Borough Council will...enter into negotiations with developers to ensure that...all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...”*

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

- 4.98 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of the Southend-on-Sea Supplementary Planning Document “Planning Obligations”.
- 4.99 As noted above the applicant has proposed the provision of Affordable Housing, at a level below the required proportion in terms of numbers of units on site or a combination of units on site and a sum of money for affordable housing delivery. No S106 legal agreement has been completed to secure such payments, or in relation to secondary education, and it has not been shown in a viability assessment that these contributions and provision cannot be made. Therefore the proposal would fail to meet the Council’s policies for provision of affordable housing contributions and is unacceptable in this respect and is contrary to the Development Plan in this respect.

## **5 Conclusion**

- 5.1 Having taking all material planning considerations into account, it is found that the proposed development by reason of its design, relating poorly to and dominating the existing building on site, would appear unduly dominant and incongruous, failing to respond positively to local context and harmful to the appearance of the site and surroundings, including harm to or the loss of a significant street tree. The proposal also fails to make a satisfactory contribution towards affordable housing provision and is not clear that it would provide dwellings which meet the relevant accessibility and adaptability standards. In each of these respects the proposal is considered unacceptable and contrary to development plan policy.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (2012)
- 6.2 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP1 (Employment Generating Development) CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP6 (Community infrastructure) CP8 (Dwelling Provision)
- 6.3 The Southend-on-Sea 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) DM4 (Tall and Large Buildings) DM7 (Dwelling Mix, Size and Type) DM8 (Residential Standards) DM10 (Employment Sectors) DM11 (Employment Areas) DM14 (Environmental Protection) DM15 (Sustainable Transport Management)
- 6.4 The Southend Central Area Action Plan (SCAAP) (2018) DS1 (A Prosperous Retail Centre) DS5 (Transport, Access and Public Realm) PA1 (High Street Policy Area Development Principles)
- 6.5 Supplementary Planning Document 1: The Southend-on-Sea Design & Townscape Guide (2009)
- 6.6 CIL Charging Schedule 2015



## 6.7 National Housing Standards 2015

## 7 Representation Summary

### Highways

- 7.1 No parking provision has been provided for the proposed development the applicant has provided a detailed transport statement which demonstrates the site is in a sustainable location with regard to public transport with good links to bus, rail and cycle facilities in close proximity. The site also has a number of public car parks in close proximity. Future occupiers will not be eligible for a town centre parking permit due to the lack of off street parking associated with the development. The applicant has used Census data which demonstrates that the local area has low vehicle occupancy and sustainable modes of transport are used. TRICS data has also been used to demonstrate that 26 two-way person trips will be made in the peak hours using sustainable modes of transport. 48 secure cycle parking spaces have been provided which exceeds LPA policy which requires 24 spaces.

There is an existing service yard which servers commercial premises in the area this will be maintained. A stage 1 safety audit will be required to demonstrate that the proposal will not conflict with this existing arrangement. This can be conditioned.

Given the above information and that contained within the transport statement it is not considered that the proposal will have a detrimental impact upon the public highway therefore no highway objections are raised.

### Parks

- 7.2 The proposals do not have any green space or soft landscaping provision. The large scale development and lack of green and amenity space is likely to have a negative impact on nearby public green spaces.

The development does not include any measures to enhance the local amenity, biodiversity and natural environment or contribute to the 'green grid' of the borough in line with KP2.5ii and SO18.

There are concerns of the impact the development will have upon the mature plane tree immediately adjacent to the development site, along Chichester Road, during the operational phase. During the construction phase, the tree will need to be protected.

The plane tree is the largest, most highly visible tree in the vicinity. It is currently in good condition and has many years left to contribute to the minimal tree-scape of this part of Southend.

The drawings suggest that the tree is to be retained, but as it is not on the application site, I don't think they could indicate removal. I am in doubt that this tree could be retained in any way, other than by mutilating it and causing such damage to it that its life expectancy would be significantly reduced.

As this tree is of such high importance and high amenity value, to determine the application without knowing the fate of the tree, would be premature.

### **Essex Police**

- 7.3 Essex Police would like to raise a concern regarding this development. There is no reference to physical security and safety issues as recommended by Sections 58 & 69 National Planning Policy Framework in the design and access statement. This is also recommended in Southend's Core Strategy. Paragraph 2.10 states that the Borough Council places a high priority on doing all they can to reduce crime and that this extends to the wider community. Paragraph 8.8 states that one of Southend's key objectives is to reduce the fear of crime.

We would like to invite the developer to contact us with a view that the proposed project could benefit from support by means of a Secured by Design application. This is an initiative that is supported by Southend's Development Management Plan (Para 2.7).

### **Essex & Suffolk Water**

- 7.4 Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

For this development, the following applies:

Essex & Suffolk Water are the enforcement agents for The Water Supply (Water Fittings) Regulations 1999 within our area of supply, on behalf of the Department for the Environment, Food & Rural Affairs. We understand that a planning application has been made for the above premises which are to be notified under Regulation 5 of the Water Supply (Water Fittings) Regulations 1999. Please see the copy of the Water Regulations Information Sheet No. IS – 0014 attached for more detailed information.

### **Strategic Housing**

- 7.5 Therefore there is an affordable housing requirement of 5 units. With the aforementioned in mind, the required affordable dwelling mix is as follows:

2 x 1 Bedroom

2 x 2 Bedroom

1 x 3 Bedroom

Registered Providers generally have a preference to avoid 3 bedroom flatted units, and therefore (if it is evidenced) the Strategic Housing Team is supportive of an additional 2 bedroom unit in place of the 3 bedroom. Please note that we would expect the applicant to contact RP's in this regard to seek their views, as it is the Strategic Housing Team's initial position to include 3 bedroom units.

It is our understanding that RP's will prefer to have separate access to any affordable rented units, or failing that, being able to contain the affordable rented element to one floor. The current design doesn't lend itself to a separate entrance, however there may be opportunity to incorporate all of the affordable units to a single floor (3rd), however this would entail mixing tenures which RP's generally prefer to avoid. Therefore we recommend getting in contact with locally active

registered providers to understand their needs, particularly around scheme design with affordable housing management in mind. Moreover some RP's may be interested in purchasing additional units which may negate some of the design concerns.

### **London Southend Airport**

- 7.6 No objection. A crane or piling rig may require full coordination with the Airport Authority.

### **Design and Regeneration**

- 7.7 Comments are reflected within the body of the report.

### **Education**

- 7.8 S106 contributions would be sought for secondary education. This application falls within the primary school Catchment areas for Porters Grange Primary School. All secondary schools within acceptable travel distance are oversubscribed. An expansion programme is currently underway within all the non-selective schools in Southend and any further developments with the area, even flats, will add to this oversubscription. A contribution towards the Secondary expansion of Shoeburyness High School of £9,419.19 is therefore requested.

### **Anglian Water**

- 7.9 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

We request a condition requiring a foul water drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

## **Waste Management**

- 7.10 There is a Recycling/Waste management Strategy Note on page 28 of the Planning, Design & Access Statement which is good to see. However, there is very little detail outlining exactly how it will work, in line with the themes in the Council's Waste Storage, Collection and Management Guide for New Developments guidance document. Further detail would be required.

## **Environmental Health**

### 7.11 Noise

A Noise Impact assessment has been provided for the site in relation to the application. The report alludes to road traffic as being the main source of environmental noise emanating from the main roads, the junction outside, the car park and the central bus station. This report was carried out over five days, but it is unclear as to whether it takes into account any scheduled activities for the area such as deliveries or collection from the commercial units located within the vicinity.

There is no reference made to other external noise sources such as the deliveries made in the M&S and McDonalds yard directly next to the site (which also includes the M&S collection service in this area as well), or any reference to their refuse collections.

There is no reference to the potential noise impact which could occur from the plant systems located on the tops of the surrounding buildings which could affect the higher floors of residency. In addition, there is no reference to the noise which could be emanated from the Restaurant/Bar located on the ground floor. This would consist of the music and speech from within as well as the extraction and ventilation units for the premises and its kitchen.

The Noise Impact report gives recommendations in respect to the glazing for the building, but these are recommendations and not confirmation by the applicant.

### Odour Potential

The plans which have been provided do not show any reference to the current or proposed extraction and ducting for the extract and ventilation systems for the Bar/Restaurant and its kitchen. There is no indication of the ducting route, fixings or termination points. This also alludes to the noise impact as already referred to above.

During the construction phase, noise issues may arise which could lead to the hours of works being restricted.

Therefore the following conditions are [recommended] to be attached in the event of a grant of planning permission:

1. The rating level of noise for all plant (including but not exclusively the ventilation, refrigeration and air conditioning equipment) determined by the procedures in BS:4142:2014, should be at least 5dB(A) below the background noise with no tonal elements. The LA90 to be determined according to the guidance in BS:4142 at 3.5m from ground floor facades and 1m from all facades above ground floor level to residential premises. The equipment shall be maintained in good working order thereafter. The plant must not have distinctive tonal or impulsive characteristics.

2. Final glazing and ventilation details for the scheme are to be submitted to, and approved by, the Local Planning Authority prior to installation. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Impact Assessment dated 2<sup>nd</sup> October 2017. Appropriate mitigation must be given to ensure that cumulative noise levels in accordance with BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014, along with tonal and impulsive penalties where necessary.
3. The rating level of noise for all activities (including amplified and unamplified music and human voices) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445:2003. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.
4. Activities at the site shall not give rise to structure borne noise to any noise sensitive premises.
5. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions, unless otherwise agreed in writing by the local planning authority.
6. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 10dB(A) below the prevailing background at the closest receptor with no tonal or impulsive character.
7. Signs shall be conspicuously and permanently displayed in the entrance foyers to the flats stating that "This building has been designed to operate with windows closed to protect the occupiers against noise from external sources". In addition prospective occupiers shall be advised that the building has been designed to operate with windows closed to protect occupiers against noise from external sources.
8. During the construction, noise and vibration issues may arise which could lead to the hours of work being restricted. Demolition and construction hours are therefore restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.
9. Full details of mitigation measures to be taken to minimise and/or control noise and potential fugitive dust emissions resulting from the works must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing, taking into consideration control measures detailed in Best Practice Guidance "The control of dust and emissions from construction and demolition".  
[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)
10. There shall be no burning of waste materials on the site during the

construction and demolition given the site's proximity to other properties.

11. All deliveries and collections to be between: 08:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday; with no deliveries on Sundays or Bank Holidays.

Recommended informative:

1. The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

### **Public Consultation**

33 neighbouring properties have been notified and a site notice posted. No letters of representation have been received.

## **8 Relevant Planning History**

- 8.1 The site has a history of planning applications in association with the existing commercial use and none of these are considered to bear directly on the consideration of the proposal.

## **9 Recommendation**

- 9.1 **REFUSE PLANNING PERMISSION for the following reasons:**

**01. The proposed development by reason of its height, size, bulk, scale, siting, design and relationship to existing buildings on and in the vicinity of the site, would be harmful to the character and appearance of the site and wider area, and fail to respond positively to the local context. This is considered to represent poor design, which is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015), Policies DS1 and PA1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**02. The proposed development by virtue of its size, design and proximity to the mature plane street tree adjacent the application site, would lead to significant harm or complete loss of this tree to the detriment of the character, appearance and quality of the public realm. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015), Policies DS1, DS5 and PA1 of the Southend Central Area Action Plan (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**03. The application does not include an appropriate provision of affordable housing or a formal undertaking to secure an appropriate contribution to affordable housing provision in lieu of such provision to meet the**

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

04. The submission does not clearly demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community in accordance with the requirements of the M4(2) accessibility standards and M4(3) wheelchair user dwellings. 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).

**10 Informatives**

10.1 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.

10.2 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 might also be CIL liable.

<b>Case Officer</b>
Signature .....
.....Date.....
<b>Senior Officer</b>
Signature.....
.....Date.....
<b>Delegated Authority</b>
Signature.....
.....Date.....