

Reference:	18/01146/OUTM	
Ward:	Victoria	
Proposal:	Demolish existing buildings, retain existing chapel, erect seven storey, four storey building, 2no 3 storey buildings and six storey building forming 154 self-contained flats and a 77 bedroom care home and convent (outline application)	
Address:	Nazareth House, 111 London Road, Southend-on-Sea, Essex, SS1 1PP	
Applicant:	The Congregation of the Sisters of Nazareth	
Agent:	Scurr Architects	
Consultation Expiry:	19.07.2018	
Expiry Date:	19.09.2018	
Case Officer:	Charlotte White	
Plan Nos:	7102-SK-051 Rev. B, TS17-314M\1, TS17-314M\4, TS17-314M\2, TS17-314M\3, TS17-314M\5, 7102-PL-055, 712-PL-056, 7102-PL-010 Rev. A, 7102-PL-060, 7102-PL-033, 7102-PL-034, 7102-PL-024, 7102-PL-030, 7102-PL-031, 7102-PL-032, 7102-PL-020, 7102-PL-021, 7102-PL-022, 7102-PL-023, 7102-PL-040, 7102-PI-041, 7102-PL-042, 7102-PL-043, 7102-PL-012 Rev. A, 7102-PL-011, 7102-PL-001 Rev. A, 7102-AL-071, 7102-PL-006 Rev. B, 7102-PL-005, 7102-PL-071, 7102-SK-050 Rev. B, 7102-SK-051 Rev. B, 7102-SK-052 Rev. B, 7102-PI-053 Rev. B, 7102-PL-070, 306-002-P01 Rev. A	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Outline planning permission is sought to demolish all of the existing buildings on the site with the exception of the existing chapel and to construct three, four, six and seven storey buildings to form a 77 bed care home and convent and 154 self-contained flats. The application has been submitted in outline form with details of access, layout and scale sought and details of appearance and landscaping reserved for later consideration.
- 1.2 The existing chapel will be retained with a new entrance lobby formed and the existing corridors surrounding the chapel removed. A new door will be formed in the chapel to connect the new care home and convent to the chapel. The existing convent cemetery to the north-east corner of the site will be retained, with the existing pedestrian access to the cemetery in-filled and a new pedestrian access on the western side of the cemetery created.
- 1.3 A new 'L' shaped care home and convent will be created to the north-western corner of the site which will benefit from a ground floor connection to the chapel. In total 77 en-suite bedrooms will be provided with a total of 65 care rooms and 12 convent rooms. The care rooms will be provided on the ground (18 rooms), first (23 rooms) and second floors (24 rooms) and the 12 convent rooms on the third floor. This building also contains ancillary rooms such as lounges, dining rooms, admin, manager and other offices, a small shop and café/bar, kitchen, laundry room, hair and beauty room, a cinema/activity room, a physiotherapy/doctor room, stores, bathrooms, green rooms and staff facilities. The proposed building includes upper floor terraces.
- 1.4 The remainder of the site is proposed to be developed to provide a total of 154 self-contained residential flats in 4 blocks at the front and eastern sides of the site.

- 1.5 Block A: A six storey block providing 44 self-contained units comprising 12x 1-bedroom units, 10x 2-bedroom units and 22x 3-bedroom units. A ground floor bike store is proposed in block A.
- 1.6 Block B: A 3 storey block providing 16 self-contained units comprising 5x 1-bed units, 6x 2-bedroom units and 5x 3-bedroom units. The ground floor of block B includes a 155sqm shop which whilst not included in the description of the development or in the application form is shown on the plans and as such has been considered accordingly.
- 1.7 Block C: A 3 storey block providing 12 self-contained units comprising 2x 1-bedroom units, 6x 2-bedroom units and 4x 3-bedroom units. The ground floor of block C includes a museum which whilst not included in the description of the development or in the application form is shown on the plans and as such has been considered accordingly.
- 1.8 Block D: A 7 storey block providing 82 self-contained units comprising 10x 1-bedroom units, 33x 2-bedroom units and 39x 3-bedroom units. Block D includes 80 parking spaces within the basement. The basement also includes a cycle store.
- 1.9 In terms of parking, as well as the 80 parking spaces proposed in the basement of block D, parking spaces are also provided surrounding the blocks of flats and care home (an additional 85 spaces). As such there are 165 spaces proposed and there is a separate church car park, providing an additional 5 parking spaces. A total of 170 parking spaces are therefore provided across the entire site.
- 1.10 There are pedestrian routes around the site with a public square located between blocks B and C with the chapel entrance at the northern end of the public square proposed.
- 1.11 It is proposed to largely maintain the existing distinctive brick wall surrounding the development, however, the existing entrances onto London Road are to be altered with the existing accesses infilled using facing brickwork to match the existing wall and part of the existing wall demolished to form two new vehicular accesses onto London Road. Part of the wall will be demolished to create a new pedestrian access between blocks B and C, aligning with the chapel. A new access will also be formed from Brighton Road with the existing access into Brighton Road increased in size.
- 1.12 The application has been accompanied by an archaeological trial trench evaluation report, a sustainability statement, noise impact assessment, daylight, sunlight and overshadowing preliminary statement, an arboricultural impact assessment and arboricultural method statement, a flood risk assessment and surface water drainage statement and a Travel Plan.

2 Site and Surroundings

- 2.1 The site is on the northern side of London Road and on the eastern side of Brighton Road. To the north of the site is St Helen's Primary School. There are ground floor commercial premises opposite the site with some residential units above. There are parking bays in front of the site on London Road and in front of the shops opposite the site with a 1 hour restriction.

To the east of the site are large retail premises. To the west of the site is 175 London Road which is currently being developed to provide a 5 storey mixed used development with ground floor commercial units with flats above. The site is located on the western edge of Southend Town Centre and is located close to major shopping and other facilities.

- 2.2 There is an existing care home and convent on the site. There is a 2.8m high wall at the front of the site on London Road which reduces in height to some 2.2m fronting Brighton Road and is 2m high on the eastern boundary. The existing buildings on the site are between 1 and 3 storeys in height and are set back from London Road with soft landscaped areas and parking provided to the front of the site. Further parking is provided to the rear and west of the site. There is a small convent cemetery to the north-eastern corner of the site. There are a number of mature trees on the site, but there none are subject to Tree Preservation Orders (TPOs).
- 2.3 The site has no specific allocation in the Development Management Document's Proposals Map but is located within the Southend Central Area Action Plan Boundary. Within the Southend Central Area Action Plan (SCAAP), adopted 2018, the application site is located within the Victoria Gateway Neighbourhood Policy Area.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design and impact on the street scene, residential amenity for future and neighbouring occupiers, traffic, transport and parking implications, sustainability, flood risk and drainage, developer contributions and CIL (Community Infrastructure Levy).

4 Appraisal

Principle of development

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP2, CP3, CP4, CP6, CP8; Development Management Document (2015) Policies DM1, DM2, DM3, DM4, DM5, DM7, DM8, DM9, DM10, DM11, DM14 and DM15, Southend Central Area Action Plan (SCAAP) (2018) Policies DS1, DS2, DS3, DS4, DS5, PA8 and the Design and Townscape Guide (2009)

- 4.1 The site is located within the Victoria Gateway Neighbourhood Policy Area in the SCAAP which states that the Council will *'look favourably on high quality developments and schemes which can demonstrate that they will contribute to the transformation of this area into a vibrant community, which is integrated with the surrounding neighbourhood and set within a remodelled built form of a quality that befits this key gateway to the Town Centre.'*

Care Home

Care Home

- 4.2 Policy DM9 of the Development Management Document states *‘Development proposals for specialist residential accommodation, including new build and extensions, will be considered acceptable where each of the following criteria are addressed and it is demonstrated to the satisfaction of the Council that:*
- i. There is a clearly justified need in Southend; and*
 - ii. There is no existing capacity for such facilities within Southend; and*
 - iii. It will not lead to an overconcentration of similar uses that would be detrimental to the character of a residential area, residential amenity or will impact on the capacity of public services e.g. health and social care; and*
 - iv. It would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and*
 - v. It is accessible to public transport, shops, services, community facilities, public open space and social networks appropriate to the needs of the intended occupiers.’*
- 4.3 The pre-amble to this policy notes *‘It is the Council’s corporate policy to limit the further growth of residential care and instead to focus on promoting improvements to the existing facilities, as well as to support increased care within people’s homes.’* (paragraph 4.49).
- 4.4 The application has not been submitted with any supporting statement to demonstrate compliance with the above policy. However, it is noted that the proposed care home forms only a relatively small part of the redevelopment of the site and from the information provided within the submitted Flood Risk Assessment (FRA) it is apparent that the existing building contains 64 care-home beds and a 12 bed convent (a total of 76 bed spaces) and this proposal seeks to provide a total of 65 care rooms and 12 convent rooms (a total of 77 bed spaces). As such, given that the development would largely replace and improve an equivalent level of care facilities on the site, it is considered that the proposal would not conflict with the policy which seeks to prevent the overprovision of residential care homes in the Borough.
- 4.5 No objection is therefore raised to the principle of the replacement care home and convent development on the site.

Residential development

- 4.6 Chapter 11 of the NPPF requires the effective use of land. Paragraph 117 of the NPPF states *‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding the environment and ensuring safe and healthy living conditions.’*
- 4.7 Policy KP2 of the Core Strategy requires that *“all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”* and seeks to *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021.

Policy CP8 requires the provision of not less than 80% of residential development on previously developed land. Policy KP1 of the Core Strategy states that the primary focus of regeneration and growth within Southend will be in Southend Town and Central Area where it is proposed to *'provide for 6,500 new jobs and providing for at least 2,000 additional homes...'*

- 4.8 There are other residential developments within the surrounding area. As such the proposed self-contained flats would not be out of keeping with the surrounding area. The proposed flats would provide a more efficient use of the site and would contribute to the housing supply of the Borough. This part of the proposal is therefore considered acceptable in principle, subject to further, detailed considerations, such as design considerations and the impact of the development on the residential amenity of the adjoining residents, which are considered below.

Shops

- 4.9 The submitted plans indicate that the care home and convent will benefit from ancillary shops and services and it is apparent that block B includes a shop and block C includes a museum. No further information has been submitted regarding these facilities including whether they are intended for public or private use for users of the development. However, it is apparent that the shop and museum proposed have northern facing access doors.
- 4.10 Policy CP2 of the Core Strategy states that *Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people...* Policy CP1 of the Core Strategy similarly states *'Offices, retailing, leisure and other uses generating large number of people should be focused in the town centre.'*
- 4.11 Paragraph 86 of the NPPF states *'Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*
- 4.12 The proposed shop and museum would be better located within the Town Centre. However, given the limited size and scale of these facilities proposed, which would be ancillary to the main development of the care home and residential units, it is considered that these small scale uses would be acceptable in this location and would not undermine the viability or vitality of Southend Town Centre.
- 4.13 The proposal is therefore considered acceptable and policy compliant in this respect subject to controls which could be imposed with conditions.

Dwelling Mix

- 4.14 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. The Council seeks to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below.

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	19%	36%	45%	0%

- 4.15 The development would not provide a dwelling mix that exactly reflects the housing needs of the Borough and the proposal includes no 4-bedroom units. However, the development would provide a good dwelling mix and includes a high proportion of 3-bedroom units which is positive. As such the development is acceptable and policy compliant in this respect.
- 4.16 The principle of the development is therefore considered acceptable and policy compliant and no objection is raised on this basis.

Design and Impact on the Character of the Area

National Planning Policy Framework (2018) Core Strategy (2007) Policies KP2, CP1 and CP4, Development Management Document (2015) Policies DM1, DM3 DM5, and DM4, Southend Central Area Action Plan (SCAAP) (2018) Policies DS2, DS3 and PA8 and the Design and Townscape Guide (2009)

- 4.17 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Chapter 12 and Core Strategy Policies KP2 and CP4.
- 4.18 Paragraph 117 of the NPPF states that *‘Planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, which safeguarding and improving the environment and ensuring safe and healthy living conditions.’* Paragraph 124 of the NPPF states *‘The creation of high quality buildings and places is fundamental to what the planning and development provides should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 4.19 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. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.20 Policy DM3 of the Development Management Document states that *“The Council will seek 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.”* Moreover, policy DM1 states that development should *“Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”.*

4.21 The pre-amble to Policy DM4 states that, for the purposes of that policy, tall and large buildings are defined as buildings that are substantially taller and/or bulkier and out of scale with the surrounding and/or have a significant impact on the skyline.

4.22 Policy DM4 of the Development Management Document states

Tall and large buildings are by definition substantially taller and out of scale with the prevailing built form of the surrounding area and/or have a significant impact on the skyline. Tall buildings will only be permitted in appropriate locations in the Southend Central Area and will only be considered outside this area in exceptional circumstances, where the development would be within the street block of an existing cluster of tall buildings, where it can be demonstrated that it would not be incongruous with the character and function of the area, and where the proposed development meets the criteria set out within this policy.

4.23 *Tall and large buildings will be considered acceptable where:*

- (i) They are located in areas whose character, function and appearance would not be harmed by the scale, mass or bulk of a tall or large building; and*
- (ii) They integrate with the form, proportion, composition, and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level; and*
- (iii) Individually or as a group, form a distinctive landmark that emphasises a point of visual significance and enhances the skyline and image of Southend; and*
- (iv) The highest standards of architecture and materials are incorporated; and*
- (v) The latest regulations and planning policies for minimising energy use and reducing carbon emissions over the lifetime of the development are exceeded, where viable and feasible; and*
- (vi) Ground floor activities provide a positive relationship to the surrounding streets; and*
- (vii) They are located in a sustainable area with frequent public transport links, and where local services are accessible by foot and bicycle*

4.24 *Tall and large buildings will not be acceptable where:*

- (i) They adversely affect their surroundings in terms of character, microclimate, wind turbulence, overshadowing, noise, reflected glare, navigation and telecommunication interference; or*
- (ii) They impact adversely on local views that make an important contribution to the character of the area; or*
- (iii) They adversely impact upon the skyline of Southend as viewed from the foreshore and other important viewpoints and vistas within and outside the Borough; or*
- (iv) They adversely impact upon London Southend Airport; or*
- (v) They detrimentally impact upon the setting of heritage assets.*

- 4.25 Policy PA8 of the SCAAP states that the Council will *'look favourably on high quality developments and schemes which can demonstrate that they will contribute to the transformation of this area into a vibrant community, which is integrated with the surrounding neighbourhood and set within a remodelled built form of a quality that befits this key gateway to the Town Centre.'*
- 4.26 The application has been submitted in outline form with details of access, layout and scale provided and details of appearance and landscaping reserved for later consideration. In this respect no elevations have been provided for the flats proposed. Indicative elevations have been provided for the proposed care home and a massing streetscene plan has been provided for the development.
- 4.27 In terms of scale, the proposed development comprises blocks of 3 to 7 storey buildings. To the west of the site is a 5 storey building at 175 London Road which is currently under construction. To the east of the site are large retail commercial buildings. The buildings on the site have been designed to reduce in scale near the chapel.
- 4.28 Given the height of adjoining and nearby buildings in the area no objection in principle is raised to the height of the proposed development. However, concern is raised in terms of the overall size, scale, bulk and massing of the development proposed in terms of both the individual buildings and the wider master plan proposed for the site. Based on the detailed information provided for scale and layout and then reasonably interpreting the likely impact of built form, including by reference to the illustrative elements of the plans submitted, the proposed buildings are of significant sizes, located relatively close together and are positioned close to London Road and Brighton Road. Given the footprint, dimensions and shape of the buildings, the development would appear excessively bulky and of an inappropriately large scale that would appear cramped and result in significant harm to the character and appearance of the site and the wider surrounding area. The buildings lack articulation, are large and bulky structures and the mass of the built form is not broken up. The buildings in themselves are therefore considered to be of an unacceptable, size, scale, bulk and mass. Within the site, the large blocks of flats are located relatively close together, are poorly related and are much closer to London Road and Brighton Road than the existing development resulting in a limited setting for the proposed buildings which is an issue. As such the overall development masterplan is also considered cramped and excessively bulky. The masterplan has failed to clearly demonstrate that the form and density proposed is appropriate or achievable on this site and the masterplan is considered to be weak and flawed in the event to which it has not convincingly addressed the sites constraints and equally it opportunities to deliver a high quality sustainable development. The proposed is therefore unacceptable and contrary to national and local planning policy in these regards.
- 4.29 In terms of siting, whilst there is no objection to the principle of redeveloping the site with buildings located closer to London Road than the existing buildings on the site, the forward siting of the development would markedly increase the bulk and prominence of the development, to the material detriment of the character and appearance of the area.

- 4.30 Appearance is a reserved matter, however, it is noted that the submitted plans for the care home are not consistent in that the massing plan submitted indicates that it will have a pitched roof and the elevations provided indicate that it will have a flat roof. No elevations have been provided for the flats proposed.
- 4.31 The elevations that have been provided for the care home indicate that this part of the development would be boxy and bulky with a significant mass and lack of articulation and interest. It does not relate positively to the streetscene and includes flat fenestration which does not help to enliven the frontages. The building form is also likely to require prominent ancillary plant such as ventilation extract to the kitchen. The main entrance to the building is not prominent or legible representing poor design.
- 4.32 The retention of the chapel is considered a positive feature of the development. There is no objection to the principle of linking the chapel to the care home, but the link proposed currently is of a poor design and a glazed link or similar may be more appropriate to clearly distinguish between the 2 different forms. Concern is also raised that the Church car park is located very close to the chapel and would detract from its character and setting.
- 4.33 Limited details of the design of the flats have been provided and it is noted that appearance is a reserved matter, however, from the floor plans provided it is considered that there would be a lack of articulation and interest to these large blocks of flats which is unacceptable and constitutes poor design. From the information provided the entrances appear to have poor legibility. Block D includes lower level parking which would have a poor relationship with the streetscene visually and would result in uninviting and inactive frontages. As presented, the shop and museum lack an active frontage to London Road; missing an opportunity to add visual interest and activity. Limited refuse stores are shown on the submitted plans. The proposal includes long stretches of unrelieved surface parking which is a poor design feature resulting in the site being dominated by hardsurfacing and parked vehicles to the material detriment of the character and appearance of the site and the wider surrounding area. The proposal is therefore unacceptable and contrary to policy in this respect. While this is an application for outline consent it has not been shown that the proposed quantum of development could be delivered on the site and achieve an appropriate design quality.
- 4.34 Landscaping is a reserved matter for later consideration. The submitted plans indicate that there will be a public square between blocks B and C and a landscaped area to the western side of block D. It is apparent that a number of mature trees will be removed as a result of this development. A landscape master plan has been submitted which does not accord fully with the other plans submitted, for example the location of the proposed church car park is shown as a planted garden in the landscape masterplan. However, the plan indicates that there will be lawn and planted areas surrounding each block proposed which is positive.
- 4.35 The application has been submitted with an Arboricultural Impact Assessment which indicates that Trees G1 (in part), G2, G3, T4, T5, T8, G12, G13, G14 and G15 will be removed to facilitate the proposed development. All of the trees to be removed (with the exception of G1 which is categorised as B – moderate quality tree) constitute C or U category trees (low quality trees).

The report goes on to state *'Although a relatively large number of trees will be removed from the site, it is my opinion that adequate provision for green spaces have been provided to allow a suitable number of trees to be planted as mitigation for those removed and to make a good contribution to local green infrastructure.'* The report comments that the proposed buildings would be located outside the root protection areas of the retained trees. However, detailed specifications for the path that will cross the root protection area for the retained G1 and G6 trees will be required. The application has also been submitted with an arboricultural method statement. It is unfortunate that a large number of the existing trees on the site will be lost as part of this development but the majority of these trees are classified as low quality trees. Subject to conditions requiring full hard and soft landscaping details and three protection measures during the construction, no objection is raised on this basis.

- 4.36 The existing distinctive wall to London Road is to be altered, but largely retained. A new pedestrian access is proposed with a vista of the chapel which is positive. The landscape masterplan submitted indicates that the care home will be enclosed and separated from the self-contained flats. Details of such boundary treatments could be secured via condition in the interests of the character and appearance of the site and the wider surrounding area.
- 4.37 Policy DM5 of the Development Management Document states *'Where development might affect archaeological deposits an evaluation should be carried out beforehand so that it is possible to assess the likely impact of the application on the deposits, and that provision is made for them to remain in situ, or for their investigation and recording.'*
- 4.38 Policy PA8 of the SCAAP states *'There is potential for archaeological deposits within the area of Nazareth House and Roots Hall and as such developers should have regard to Policy DM5 – Southend-on-Sea's Historic Environment of the Development Management Document.'*
- 4.39 This application has been submitted with an Archaeological Trial Trench Evaluation report which comments that the site is known to have been occupied since at least the 13th Century and there is a high potential for medieval and post-medieval remains to survive and potential for prehistoric and early medieval archaeological had been identified. Three trial trenches were excavated in November 2017. No significant archaeological remains or deposits were found during the course of the archaeological evaluation. The report therefore concludes that *'the proposed development is unlikely to impact upon any significant archaeological remains.'* Subject to appropriate conditions the proposal is therefore acceptable and policy compliant in this respect.
- 4.40 The application is considered in the context of Policy DM4 because, as defined within that policy the development involves tall buildings because the scale of the development will result in buildings that are taller than the immediately surrounding buildings. In this case, it is concluded that the submitted proposals through the various design criticisms referred to above fundamentally fail to demonstrate the high standard of design needed to satisfy the objective of Policy DM4 related to tall buildings.

- 4.41 Overall, it is considered that the development is of an unacceptable size, scale, mass and bulk and includes a poor and unacceptable design approach that would result in an excessively prominent and incongruous development of limited quality causing significant harm to the character and appearance of the site and the wider surrounding area, failing to justify the quantum of development proposed or the delivery of a scheme which would be of the design standard needed to justify tall buildings under policy DM4. The proposal is therefore unacceptable and contrary to policy in this respect and an objection is raised on this basis.

Impact on Residential Amenity

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide.

- 4.42 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.43 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management Document requires that all development should (inter alia):
- 4.44 *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*
- 4.45 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development *‘creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...’*
- 4.46 The submitted ‘Daylight, Sunlight and Overshadowing Preliminary Statement’ submitted with this application states that *‘the adjacent buildings would not have significant negative impacts on the daylight levels by the proposed development...the adjacent buildings would not have significantly negative impacts on the sunlight level by the proposed development...the adjacent amenities/gardens/open spaces would not have significant negative impacts on receiving adequate direct sunlight by the proposed development.’* The report concludes *‘The proposed development would not result in significantly harmful daylight/sunlight/overshadowing impacts on the adjacent buildings situated on London Road and Brighten Road...’*

- 4.47 Given the location of the site which backs onto a school, has commercial premises to the east and is separated from dwellings to the south and west by the public highways of London Road and Brighton Road, it is considered that the proposal would not result in any material harm to the residential amenity of adjoining and nearby residents in terms of dominance, an overbearing impact, loss of light and outlook, overlooking and loss of privacy or a material sense of enclosure. The residential dwellings under construction at No.175 London Road are some 16m from the development and the proposal would not therefore result in any material harm to the living conditions of the occupiers of this development. The proposal is therefore acceptable and policy compliant in this respect.
- 4.48 The development would significantly increase the activity at the site. Given the nature of the proposed development and the location of the site on the busy London Road and to the west of the town centre, it is considered that this would not result in any material harm to the residential amenity of the adjoining residents in terms of noise and disturbance. The proposal is therefore acceptable and policy compliant in this respect.
- 4.49 The proposal is therefore acceptable and policy compliant in terms of residential amenity overall.

Standard of Accommodation

National Planning Policy Framework (2018), Policy KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009).

- 4.50 Paragraph 17 of the NPPF states 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*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:
- Minimum property size for residential units shall be as follow:
 - 1 bedroom (2 bed spaces) 50sqm
 - 2 bedroom (3 bed spaces) 61sqm
 - 2 bedroom (4 bed spaces) 70 sqm
 - 3 bedroom (5 bed spaces) 86sqm
 - 3 bedroom (6 bed spaces) 95sqm.
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

4.51 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.52 All of the self-contained flats hereby proposed are of acceptable sizes that satisfy the minimum size requirements of the technical housing standards and the bedrooms are of acceptable sizes. The proposal is therefore acceptable and policy compliant in this respect.

4.53 Appearance is a reserved matter and therefore not for detailed consideration at this stage. Nevertheless the information provided, including within the indicative plans, enables a reasoned judgement to be made about the proposal's likely internal arrangement and its scope for complying with the Council's standards for quality of future living environment including amenity space. The indicative plans show that the majority of the habitable rooms within the self-contained flats will be provided with windows to provide light, ventilation and outlook. However, in block D the main living room in flat 10 on the first floor, flat 10 on the second floor and flat 10 on the third floor are not provided with a window which would result in substandard living conditions for the future occupiers of these units. Flat 4 on the fifth floor of block D has been designed with windows that straddle the dividing walls of the bedrooms which results in poor levels of light, outlook and ventilation to this dwelling. Flat 7 on the first, second and third floors of block A and flat 6 on the fourth floor and flat 5 on the fifth floor of block A have all been designed with only one north facing window/door serving the main habitable room of these flats which is enclosed by projecting walls and would therefore result in limited light and outlook to these habitable rooms. Concern is also raised that the proposal includes a number of ground floor flats with habitable rooms which are only served by windows that are located in very close proximity to the 2.8m high front boundary wall (some 3m).

It is regarded as desirable that the boundary wall be retained but the failure to adequately plan the layout of the development, resulting in limited light and outlook for these units is poor design. Whilst appearance is a reserved matter, this is illustrative that the application has failed to demonstrate that the quantum of development proposed could be achieved on the site and provide an acceptable standard of accommodation for the future occupiers.

- 4.54 The application has been submitted with a 'Daylight, Sunlight and Overshadowing Preliminary Statement,' however, this report considers the impact of the proposal on the adjoining dwellings rather than considering the daylight and sunlight levels that would be achieved from the built form relationships within the proposed development.
- 4.55 Given the above concerns raised, it is considered that by reason of the design or lack of windows to some habitable rooms and the unreasonably close proximity of some habitable rooms to the high front boundary wall, the development would result in a number of units that would provide substandard living conditions for the future occupiers of the site in terms of lack of light, outlook and ventilation. The proposal is therefore unacceptable and contrary national and local policy and an objection is raised in this respect. Whilst appearance is a reserved matter, this is illustrative that the application has failed to demonstrate that the quantum of development proposed could be accommodated on the site and provide an acceptable standard of accommodation for the future occupiers.
- 4.56 In terms of amenity spaces proposed for the self-contained flats the following amenity areas are proposed:
- Block A: 30 of the 44 flats proposed have access to a private balcony ranging from some 4.7sqm to some 17.3sqm. Two communal roof terraces will be provided: a 30sqm terrace on the fourth floor and a 50sqm terrace on the fifth floor.
 - Block B: 9 of 16 flats proposed have access to a private balcony ranging from some 3.3sqm to some 17.4sqm. No communal amenity area is proposed.
 - Block C 9 of 12 flats proposed have access to a private balcony ranging from some 3m to some 12.9sqm. No communal amenity area is proposed.
 - Block D 45 of 82 of the flats proposed have access to a private balcony ranging from some 3.5sqm to some 45sqm. Two communal roof terraced will be provided: a 50sqm terrace on the fourth floor and a 70sqm communal terrace on the sixth floor.
- 4.57 As such 93 of the 154 (approximately 60%) self-contained flats proposed would have access to a private amenity area. The occupiers of blocks A and D also have access to communal amenity areas. Whilst blocks B and C do not have any communal roof terrace areas, a public square is provided between these two blocks of flats.
- 4.58 The indicative plans illustrate that this development provides a large number of family sized dwellings with 13 of the 3-bedroom units proposed having no private outside amenity space and 29 of the 2-bedroom units having no private outside amenity space. In some instance, family units would be located some distance from outside amenity spaces which is a poor living environment for families.

For example on the 2nd floor of Block D are 2x 3-bedroom flats and 3x 2-bedroom flats with no private outside amenity space and the nearest communal space would be either on the ground floor or 4th floor. This would result in poor and substandard living conditions for the future occupiers of the site, is unacceptable and contrary to policy and therefore an objection is raised to the proposal on this basis. Whilst appearance is a reserved matter, this is illustrative that the application has failed to demonstrate that the quantum of development proposed could be accommodated on the site and provide an acceptable standard of accommodation for the future occupiers.

- 4.59 The care home provides a wide range of communal facilities, such as a cinema/activity room, café and lounges which is positive. All of the bedrooms are provided with windows to provide light, ventilation and outlook. However, a number of these bedrooms are north facing only and the proposal includes a number of north facing ground floor bedrooms that directly overlook the parking spaces proposed, resulting in a poor outlook for the future occupiers of these rooms, resulting in unacceptable and substandard living conditions. Whilst appearance is a reserved matter, this is illustrative that the application has failed to demonstrate that the quantum of development proposed could be accommodated on the site and provide an acceptable standard of accommodation for the future occupiers.
- 4.60 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.
- 4.61 Plans have been submitted with this application providing M4(3) details. All of the blocks proposed would be provided with at least 1 lift. As such subject to a condition requiring the development to be built to comply with Building Regulations M4(2) and for 10% of dwellings to comply with Building Regulations M4(3) the proposal is acceptable and policy compliant in this respect and no objection is raised on this basis.
- 4.62 Limited cycle parking information has been provided. It is apparent that a cycle store will be provided at ground floor level to block A and within the basement of block D. No cycle parking is provided for blocks B and C. It is not clear if occupiers of blocks B and C will have use of the cycle parking available within the other blocks or if the cycle parking provisions within blocks A and D are adequate or sufficient for the entire development. A condition could be imposed on any grant of consent covering this. Subject to such a condition no objection is raised on this basis.
- 4.63 Limited refuse storage details have been provided. It is considered that a condition could be imposed on any grant of consent in this respect, so no objection is therefore raised on this basis.

- 4.64 The application has been submitted with a Noise Impact Assessment which concludes *‘Overall, it has been shown that, through careful consideration of the building envelope and plant noise, the proposed development should avoid future residents being exposed to harmful levels of noise. It can therefore be concluded that significant adverse impacts on the health or quality of life of those future residents would be avoided...’* This report makes a number of recommendations, such as providing acoustic trickle vents, and double glazing. Subject to a condition requiring the development to be undertaken in accordance with the findings, conclusions and recommendations of the submitted Noise Impact Assessment it is considered that the development would provide adequate noise levels for the future occupiers of the site and the development would provide adequate living conditions for the future occupiers of the site. The Council’s Environmental Health Team has commented that noise issues may arise and as such recommends conditions. Subject to these conditions no objection is raised.
- 4.65 The application has not been submitted with a contaminated land report. The Environmental Health Team has commented that there is potential to disturb or identify contamination on the site. The Environmental Health Team recommends conditions in this respect. Subject to these no objection is therefore raised on this basis.
- 4.66 The development is therefore considered to provide inadequate living conditions for the future occupiers of the site as a number of the habitable rooms both in the new dwellings and the care home will be provided with inadequate levels of light, outlook and/or ventilation and a number of the family units would be provided with inadequate amenity areas. The application has not shown that this development can achieve this quantum of development on the site and provide appropriate amenity quality. The proposal is therefore unacceptable and contrary to policy in this respect and an objection is raised.

Highways and Transport Issues:

National Planning Policy Framework (2018), Policy KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

- 4.67 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per flat. This would equate to a minimum requirement of 154 parking spaces.
- 4.68 The care home (Class C2) would require a maximum of 1 space per residential staff plus 1 space per 3 bed spaces. The application does not include information regarding the number of staff required for the care home. It is apparent that there would be 77 bedrooms which equates to a requirement of 26 parking spaces.
- 4.69 The chapel would require a maximum of 1 parking space per 10sqm, a maximum of some 28 parking spaces.
- 4.70 The ancillary shop has a floor area of some 155sqm so requires a maximum of between 5 and 9 spaces. The ancillary museum has a floor area of some 275sqm so requires a maximum of 11 parking spaces.

- 4.71 The proposed development would provide a total of 170 parking spaces with 80 spaces located below the self-contained flats in block D, 80 spaces located around the site and 5 spaces dedicated to the chapel.
- 4.72 The development would therefore provide policy compliant parking provisions with the minimum 154 parking spaces for each dwelling provided and the remaining car parking standards constituting maximum standards. It is also noted that the site is located within a sustainable location, is close to public transport links including bus services and benefits from two train stations within reasonable walking distance and is located close to the Town Centre and a large number of shops and services.
- 4.73 The application has been submitted with a Transport Statement which states that the development would generate some 475 vehicle movements per day and would provide sufficient parking. The Transport Statement concludes that the scheme would not detrimentally impact the operation or safety of the local highway network and is therefore acceptable in traffic and transport terms.
- 4.74 The application has been submitted with a Travel Plan which outlines measures that could be introduced to reduce the reliance on car use and to encourage the use of alternative forms of travel. Initiatives include notice boards in any staff rooms and the foyer of buildings providing details of local transport, cycle and pedestrian amenities, provide cycle parking and changing facilities, a cycle to work scheme, publicity of cycle routes and parking, up to date public transport information located in optimal locations throughout the site and providing umbrellas and personal attack alarms. Car sharing will also be encouraged. A Travel Plan Coordinator will be appointed and regular monitoring and review will be undertaken.
- 4.75 The Highways Team have commented that 170 car parking spaces are acceptable and the parking layout for the proposal ensures that vehicles can manoeuvre effectively within the site. The site is in a sustainable location with regard to public transport with good links in close proximity. The Highways Team comment that the development would result in an increase in vehicle trips over the existing use of the site but this is not considered to have a detrimental impact upon the public highway so raise no objection to the proposal subject to conditions requiring the applicant to enter into highway agreements to carry out the highway works, requiring a construction phase plan, a waste management plan, a final travel plan and any traffic regulations. Subject to this the proposal would be considered acceptable and policy compliant in this respect.
- 4.76 The development is therefore considered acceptable and policy compliant in this respect.

Sustainability

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2 and the Design and Townscape Guide (2009).

- 4.77 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 4.78 The application has been submitted with a Sustainability Statement Masterplan which indicates that amongst other measures, on site renewable technologies will be utilised. The report comments that at this stage of the design those renewable technologies are yet to be finalised. Subject to a condition requiring full details of the renewable systems to be provided to ensure that at least 10% of the energy needs of the development come from on-site renewables no objection is raised on this basis.
- 4.79 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.
- 4.80 The Sustainability Statement Masterplan submitted states that the new development will be based upon the specification of water efficient fittings across the development including low volume dual flush WCs, low flow taps and showers. Rainwater collection systems can also be incorporated. The document confirms that the total water consumption (litres/person/day) will be 104.5 which satisfies this requirement of Policy DM2. Subject to a condition the proposal is therefore acceptable and policy compliant in this respect.

Flood Risk and Environmental Protection

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and KP3, Development Management Document (2015) Policies DM6 and DM14, Southend Central Area Action Plan (SCAAP) (2018) Policy DS4.

- 4.81 Policy KP1 of Core Strategy states that all development proposals within flood risk zone “*shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk*”. It is also noted that “*development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options.*”
- 4.82 SCAAP Policy DS4 states that ‘*Development proposals which are or will be within a flood risk zone...will locate more vulnerable uses in the area of the proposal least at risk and provide a safe access and egress route away from the flood risk (i.e. to flood zone 1) during a design flood event or provide a clear justification as to why these requirements are not practical, viable or appropriate in planning and design terms, will achieve an appropriate degree of safety over the lifetime of the development.*’

- 4.83 The site is located within Flood Zone 1 (low probability of flooding). The application has been submitted with a Flood Risk Assessment (FRA) which comments that it is anticipated that the site will remain in Flood Zone 1 for the anticipated lifetime of the development and comments that the site would be afforded safe (dry) access and egress during flood conditions over the lifetime of the development. The submitted FRA concludes that *'Redevelopment of the site will not increase flood risk elsewhere from any of the considered potential flood sources. The technical assessment of flood risk presented within this FRA demonstrates that flood risks and residual flood risks are manageable over the anticipated lifetime of the development and the development proposals are deemed to be 'safe; and sustainable in flood risk terms.'* As such the development is considered to be safe for its lifetime and no objection is raised to the proposal on this basis.
- 4.84 In terms of Sustainable Urban Drainage Systems (SuDS) the submitted FRA states includes a surface water drainage statement which states that approximately 57% of the existing site is covered by buildings or impermeable areas. The FRA states *'It is proposed that surface water runoff from the proposed development will drain via a suite of SuDS infiltration techniques, such as geo-cellular infiltration crates, permeable paving and filter trenches to the underlying ground. These will manage surface water within the confines of the site for up to and including the critical 1% AEP (in in 100 year return period) storm event incorporating climate change allowances over the lifetime of the development.'* The FRA concludes that *'There are no flood risk of drainage constraints which would prevent the proposed development from being consented.'*
- 4.85 Notwithstanding the findings of the FRA submitted, Anglian Water would require a condition to be attached to any grant of consent requiring a surface water management strategy. Subject to such a condition no objection is raised on this basis.
- 4.86 Subject to conditions, the development is therefore acceptable and policy compliant in this respect.

Community Infrastructure Levy

- 4.87 This application is CIL liable. If the application had been recommended for approval, a CIL charge could have been payable. If an appeal is lodged and allowed the development could be CIL liable. Any revised application could also be CIL liable.

Planning Obligations

The National Planning Policy Framework (2018) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007) strategic objective SO7, policies KP3, CP7 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

4.88 The Core Strategy Policy KP3 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.”

4.89 In this instance, affordable housing and a contribution towards secondary education are of relevance. 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).

4.90 Paragraph 56 of the NPPF states the *‘Planning obligations must only be sought where they meet all of the following tests:*

- (a) Necessary to make the development acceptable in planning terms;*
- (b) Directly related to the development; and*
- (c) Fairly and reasonably related in scale and kind to the development.*

4.91 Paragraph 57 of the NPPF states *‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.’*

4.92 The National Planning Practice Guide makes it clear that *‘Where local planning authorities are requiring affordable housing obligations or traffic style contributions to infrastructure, they should be flexible in their requirements...On individual schemes; applicants should submit evidence on scheme viability where obligations are under consideration.*

4.93 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that 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.

- 4.94 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 “Supplementary Planning Document: Planning Obligations”
- 4.95 A development of this scale would require the provision of 30% affordable housing as Policy CP8 of the Core Strategy states that the Council will *‘enter into negotiations with developers to ensure that...all residential proposed of 50 dwellings or 2 hectares or more make an affordable housing or key worker provision of not less than 30% of the total number of units on the site.’* As such the development would require the provision of 46 affordable units.
- 4.96 The Education team has confirmed that a contribution of £369,609.02 would be required for the Chase High School expansion to mitigate the impact of this development.
- 4.97 The application has not been submitted with a viability assessment or any Heads of Terms and no S106 legal agreement has been completed to secure provision for affordable housing and secondary education. Nor has it been clearly demonstrated that the development cannot financially contribute to these requirements. These requirements could not be controlled via planning condition. Therefore the proposal would fail to meet the Council’s policies for the provision of affordable housing contributions and the necessary payment toward secondary education to meet the needs generated by the development.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development does not constitute sustainable development, is unacceptable and would be contrary to the development plan. This application is in outline form however it has not been demonstrated that the scheme can achieve an appropriate quality in terms of design or appropriate levels of amenity for the future occupiers of the site with the quantum of the development proposed. It is therefore recommended for refusal. The proposed development is an unacceptable size, scale, mass and bulk and includes unacceptable design detailing that would result in an excessively prominent, cramped and incongruous development that would cause significant harm to the character and appearance of the site and the wider surrounding area. The masterplan has failed to address the design constraints of the site. Furthermore the masterplans failure to achieve the high quality of design, in various regards, means that justification for a tall built form has not been demonstrated. The proposal fails to provide adequate living conditions for the future occupiers of the development by reason of inadequate levels of light, outlook and/or ventilation being provided to a number of the habitable rooms and poor levels of amenity areas to some of the family units. No S106 legal agreement has been completed to date to secure appropriate contributions for affordable housing and secondary education facilities. The scheme therefore fails to provide affordable housing to meet local needs, fails to mitigate the resulting increased pressure on local education infrastructure.
- 5.2 The benefits of the proposal do not outweigh the significant and material harm identified as a result of this proposal. The application is unacceptable, conflicts with national and local planning policies and is therefore recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018) including chapters 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 7 (Ensuring the vitality of town centres), 9 (Promoting sustainable transport), 11 (Making effective use of land) and 12 (Achieving well-designed places).
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 6.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM9 (Specialist Residential Accommodation), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)
- 6.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous Retail Centre), DS2 (Key Views), DS3 (Landmarks and Landmark Buildings), DS4 (Flood Risk Management and Sustainable Drainage), DS5 (Transport, Access and Public Realm) and PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles).
- 6.5 Design & Townscape Guide (2009)
- 6.6 Planning Obligations (2010)
- 6.7 Community Infrastructure Levy Charging Schedule (2015)
- 6.8 Technical Housing Standards – Nationally Described Space Standards (2015)

7 Representation Summary

Anglian Water

- 7.1 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.”

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

The foul sewerage network system at present has available capacity for these flows via a gravity discharge regime.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

London Southend Airport

- 7.2 Calculations show that, at the given position and height, this planning application will have no effect upon our operations and therefore we have no safeguarding objections.

Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependent on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com or 01702 438521.

Essex and Suffolk Water

- 7.3 Essex and Suffolk Water records show that we do not have any apparatus located in the proposed development.

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 dwellings 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

Highways Team

- 7.4 170 Car Parking spaces have been provided which is considered acceptable. Policy compliant cycle parking will be provided. The parking layout for the proposal ensures that vehicles can manoeuvre effectively within the site this includes the basement parking. The site is in a sustainable location with regard to public transport with good links in close proximity.

The applicant has provided a detailed transport statement and has included TRICS analysis which has demonstrated 475 daily vehicle movements for the proposed development. This is an increase in vehicle trips over the existing use of the site but it is not considered that the proposal will have a detrimental impact upon the public highway.

Suggested conditions

- The applicant will be required to enter into the appropriate highway agreement to carry out the highway works.
- The applicant will be required to provide a construction phase plan.
- Future occupiers will not be eligible for town centre or local residential parking permits.
- A waste management plan is required for each element of the proposal.
- The travel plan will be subject to approval via the Travel Engagement Manager should planning permission be granted.

- Any traffic regulation orders that need amending will be borne by the applicant.

Given the above information and that provided by the applicant in the Transport Statement there are no highway objections raised for the proposal

Environmental Health Team

- 7.5 During the construction/demolition phase, there is a potential to disturb or identify contamination on site, in addition noise issues which may arise, which can give rise to some public health issues.

Therefore the following conditions are to be attached.

1. No development (including site clearance, demolition etc.) shall take place until a detailed assessment of how each and every part of the site has been used in the past and the potential risk of contamination has been carried out and a written report of the assessment in the form of a Phase 1 (contaminated land assessment) report submitted to the LPA for approval. The report shall contain details of the investigation, including detailed description of the extent, scale and nature of contamination (whether it originates from the site or not), an assessment of risks to potential receptors (as outlined in DEFRA Contaminated Land Statutory Guidance), a conceptual site model (devised in the desktop study), and all pollutant linkages. The assessment must be undertaken by a competent person as stipulated in the National Planning Policy Framework, Annex 2 and in accordance with BS10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA ‘Model Procedures for the Management of Land Contamination - CLR 11.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. A full asbestos survey shall be carried out by a suitably qualified person on the building(s) to be demolished. Any asbestos containing material (ACM) must be removed and disposed off site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing.
3. During the demolition and 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.
4. 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

5. All the noise mitigation measures outlined in the Noise Impact Assessment Reference No. 17-3443 Revision B of April 2018 to protect future residents of the building from the impact of vehicular noise along London Road must be implemented in their entirety prior to occupation of the building(s).
6. There shall be no burning of waste materials on the site during the construction and demolition given the site's proximity to other properties.

Suggested 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.

Education Team

- 7.6 Both the primary and secondary catchment schools for this development are full in all year groups. Places are only available for Primary at Darlinghurst Primary School (1.1 miles away) and at Southchurch High School. A contribution to secondary school impact would be expected against the secondary impact and the funds would be allocated to Chase High School that is being expanded, along with seven other secondary schools, to accommodate the current high increase in secondary pupil numbers. On the breakdown of the number of bedrooms per unit this would be £369,609.02.

Essex Police

- 7.7 Essex Police would like to invite the developers to contact them with a view to discussing crime prevention through environmental design.

Design and Regeneration Team

- 7.8 Comments have been provided in relation to the design of the proposed development which are broadly included within the Design section above.

8 Public Consultation

- 8.1 A site notice was displayed, the application was advertised in the press and 79 neighbour letters were sent out. No responses have been received.

9 Relevant Planning History

- 9.1 11/01431/EXTM - Demolish existing care home and erect part 2/part 3/part 4/part 5/part 6 storey care village with roof accommodation comprising of 47 bed care home, 26 close care units, 126 extra care units, 4 care stations, sisters convent accommodation, associated communal facilities including doctors/nurses surgery, therapy and fitness suite, meeting rooms, function rooms, shop, library, lounge areas, landscaping, refuse storage and associated parking (application to extend the time limit for implementation following planning permission 06/00711/FUL dated 3rd November 2008) – planning permission granted on 22nd December 2011 subject to a S106 agreement.

This consent has not been implemented and is no longer extant.

- 9.2 06/00711/FUL - Demolish existing care home and erect part 2/part 3/part 4/part 5/part 6 storey care village with roof accommodation comprising of 47 bed care home, 26 close care units, 126 extra care units, 4 care stations, sisters convent accommodation, associated communal facilities including doctors/nurses surgery, therapy and fitness suite, meeting rooms, function rooms, shop, library, lounge areas, landscaping, refuse storage and associated parking (Amended proposal) – planning permission granted on 3rd November 2008.
- 9.3 92/0054 – Erect single storey extension to provide new laundry block and staff accommodation and erect detached garage – planning permission granted 20th February 1992.
- 9.4 90/1378 – Demolish part of existing building and erect part single/part two storey link extension to provide additional ancillary office and residential accommodation, new hall and kitchen facilities – planning permission granted 23rd January 1990.
- 9.5 90/0663 - Demolish part of existing building and erect part single/part two storey link extension to provide additional ancillary office and residential accommodation, new hall and kitchen facilities – planning permission granted 18th July 1990
- 9.6 87/1645 – Alter existing main gateway entrance and widen existing vehicular access – planning permission granted 28th October 1987
- 9.7 86/2154 – Erect link way at rear – planning permission granted 18th February 1987

10 Recommendation

Members are recommended to:

REFUSE PLANNING PERMISSION for the following reasons:

- 01 The proposal, by reason of its size, scale, mass, bulk and the overall failure of the masterplan to address the design constraints of the site results in a development which fails to demonstrate a sufficiently high standard of design to achieve a sustainable form of development. The proposal would result in an excessively prominent, cramped and incongruous development that would cause significant harm to the character and appearance of the site and the wider surrounding area. The application has not shown that the quantum of development sought can be achieved while providing adequate amenities for future occupiers. This is unacceptable and contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM4 of the Development Management Document (2015), Policy PA8 of the Southend Central Area Action Plan (SCAAP) (2018) and the advice contained within the Design and Townscape Guide (2009).**
- 02 A number of the proposed self-contained flats and care home rooms would be provided with unacceptable levels of amenities for their future occupiers by reason of a poor level of light, ventilation and outlook to habitable rooms and a lack of amenity space.**

The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 03 The application does not include a formal undertaking to secure a contribution towards affordable housing provisions to meet the demand for such housing in the area and it has not been demonstrated that such a contribution would make the scheme unviable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action.

Informatives

- 01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.