

Reference:	22/01151/FULM	
Application Type:	FULL	
Ward:	Chalkwell	
Proposal:	Demolition of the existing buildings, erect part two/part three storey building comprising 27no. retirement living apartments with associated landscaping, parking and vehicle access	
Address:	Laburnums 20 Chalkwell Avenue Westcliff-on-sea Essex SS0 8NA	
Applicant:	McCarthy Stone Retirement Lifestyles Ltd	
Agent:	The Planning Bureau	
Consultation Expiry:	18 th August 2022	
Expiry Date:	3 rd February 2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	LSE-2721-03-AC-100 A (Location Plan) LSE-2721-03-AC-102 F (Site Plan and Streetscene) LSE-2721-03-AC-103 G (Proposed Ground and First Floor Plans) LSE-2721-03-AC-104 H (Proposed Second Floor and Roof plans) LSE-2721-03-AC-107 J (Proposed Elevations) LSE-2721-03-AC-111 A (Existing Site Plan) PP/409/WESTCLIFF/F1 (Existing Plans and Elevations) MCSWESTC-01_00A (Proposed Balcony Details)	
Additional information:	Planning Statement By PBL dated May 2022 Design and Access Statement Coloured Elevations, Sections and streetscene External Materials Schedule reference 2721 v4 dated 09.12.22. Need Assessment for Specialist Housing for Older People in Southend on Sea LPA by Pegasus Group reference P22-1083 dated 05.05.22.	

Waste Management Strategy reference LSE-2721-030AC-WMP rev A

Site Investigation Report by Crossfield Consulting reference CCL03343.CL94 dated Sept 2020

Drainage Strategy Report by iDLtd reference IDL/1050/DS/001 dated March 2022

LSE-2721-03-DE-100 D Drainage Strategy Layout

LSE-2721-03-DE-103 A (Proposed Levels)

Ecological Impact Assessment by Greenlink Ecology Ltd dated 16.09.22.

Biodiversity Enhancement Strategy by ACD reference MSC23711_BES Rev A dated 08.12.22.

Landscape Design Statement by ACD reference MCS23711des dated 20.05.22.

Landscape Strategy Drawing Reference MCS23711 09C

Tree Survey and Impact Assessment by Keen Consultants dated May 2022

Tree Constraints Plan reference 1496-KC-XX-YTREE-TCP01Rev0

Tree Protection Plan Reference 1496-KC-XX-YTREE-TPP01RevA

Energy Statement by Focus dated May 2022

Acoustic Assessment by Cass Allen reference RP01-22212-R1 rev 1 dated 20.05.22.

Archaeological Desk Based Assessment by RPS reference JAC26670 dated Sept 2020

Heritage Statement by Graham Keevill dated May 2022

Transport Statement by PB reference 504.0032/TS/2 dated April 2022

Travel Information Pack

Travel Plan reference 504.0032/TP/2 Rev 2 dated May 2022

Daylight and Sunlight Report by Waldrams reference 2560 dated 22.04.22.

Shadow Study LSE-2721-03-AC-109-B

Topographical Survey reference 28911 dated August 2022

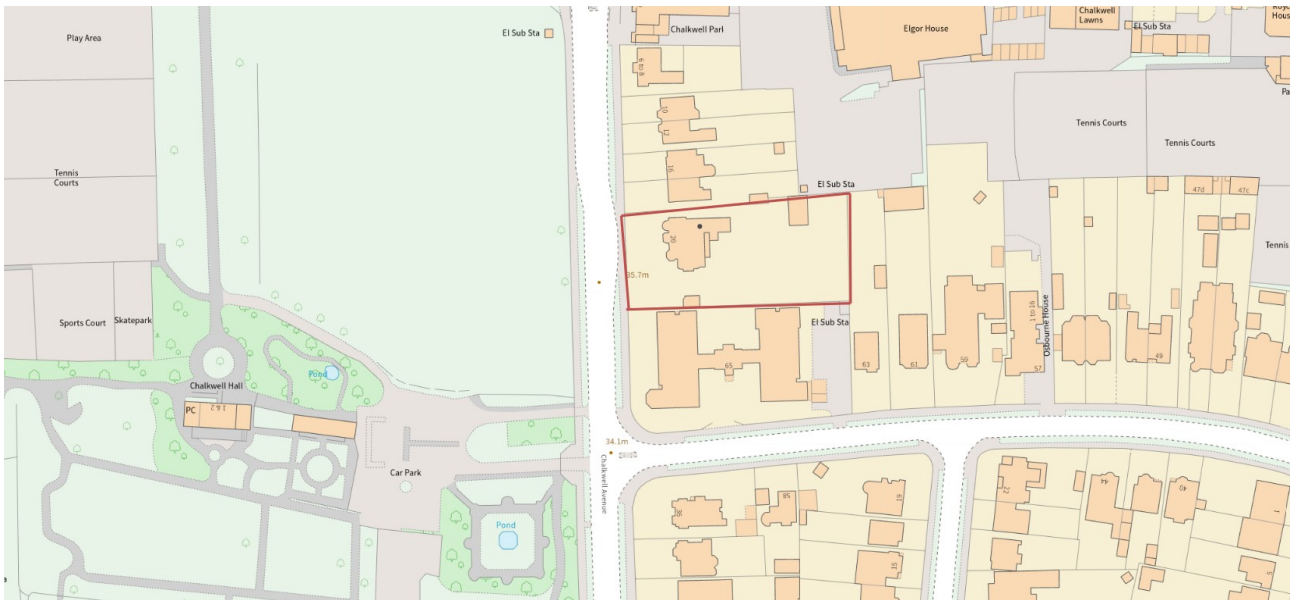
Statement of Community Involvement dated May 2022

Financial Viability Assessment by Atitlan Consulting dated June 2022

Letters from Atitlan Consulting dated 06 October 2022 and 16 November 2022

Letter from Derrick Wade Waters (Surveyors) reference HPVT22045.220928.1 date 28.09.22

Recommendation:	DELEGATE to the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control to GRANT PLANNING PERMISSION subject to CONDITIONS following the completion of a LEGAL AGREEMENT under section 106 of the Town and Country Planning Act 1990 (as amended)
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1 Site and Surroundings

- 1.1 The existing detached building on the site is a large Edwardian house most recently used as a care home but now vacant. It has a feature turret to the front and is articulated with a number of decorative elements including tall curved bays with tile decoration and a grand porch. It is typical of the older buildings seen in Chalkwell Avenue. The building is showing signs of neglect including loss of the original balcony to the front. A large modern conservatory has been added to the east side towards the front and two large external fire escape stairs to the rear. There is a double garage to the rear of the site which is the same age as the main building. The rear of the site is overgrown. Aside from its deteriorating condition, the building makes a generally positive contribution to the streetscene of Chalkwell Avenue but has no statutory or non-statutory heritage designations.
- 1.2 To the north of the site is a group of semi-detached and then detached single family houses with deep frontages and feature double bays and chimneys. To the south, the site at the junction with Imperial Avenue was redeveloped in the 1980s and contains a modern sheltered housing scheme arranged as two linked wings. This development is typical of 1980s architecture, lacking in detailing and with shorter proportions than the rest of the street.
- 1.3 Chalkwell Avenue and the wider Chalkwell Hall Estate is generally characterised by large well-articulated early C20 houses and is one of the City's most characterful housing areas. Most properties are 2-3 storeys with generously proportioned pitched roofs often with accommodation in the roofspace. The dwellings are generally well-detailed with a range of features including bays and gables, feature entrances and dormers. They are mostly red brick and/or render with red/brown tiled roofs and tall windows. Decorative timbering and tile hanging and rough cast render are commonplace and add further articulation and interest to the streetscene contributing to local distinctiveness. The designs of the individual properties are varied but there is a cohesiveness in style, level of articulation and materials which gives the area a recognisable character.

- 1.4 The dwellings are situated on a consistent and generous building line facing Chalkwell Avenue with planted frontages, most with some parking, and gardens to the rear. Some of the buildings in the area including along the upper section of Chalkwell Avenue and Imperial Avenue close to the site have been converted to flats or retirement homes and have been significantly extended to the rear and this has impacted on the grain of the area but generally a consistent scale of development is maintained to the front facing the street.
- 1.5 Chalkwell Avenue, a classified road, is a key route from the A13 to the seafront. The site is in Flood zone 1 (low risk). There are no specific policy designations in this location.

2 The Proposal

- 2.1 The proposal seeks permission to demolish the existing buildings and erect a part two/part three storey building comprising 27 no. retirement living apartments with associated landscaping and parking. The proposed building has a stepped frontage which is a maximum of 26.5m wide with an eaves height of 8m and a ridge height of 11.9m. It is a maximum of 52.7m deep including the projecting gables to the front but is split into 3 sections, a front wing 22m deep, a rear wing 12.9m deep and a narrower linking section of 17.8m.
- 2.2 The proposal would be constructed of red brick and rough cast render with a red tile roof.
- 2.3 The proposal's 27 retirement apartments comprise 11x 1 bed units and 16 x 2 bed units including 3 wheelchair units and 21 off street parking spaces accessed via the existing crossover onto Chalkwell Avenue. 16 of the 27 apartments have a private balcony or terrace and there is a communal garden of some 110 sqm. The proposal also includes a reception area, communal lounge, guest suite, scooter store and refuse store. At least one resident of each flat will be required to be over the age of 60.
- 2.4 The design detailing of the proposal has been amended during the course of the application.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
87/2072	Alterations to existing fire escape and formation of lobby at rear	Granted

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillor Folkard.

Public Consultation

4.2 58 neighbours were consulted, a site notice displayed and a press notice published. 8 letters of representation have been received from 4 different households raising the following summarised issues:

- The area is characterised by single family dwellings with large gardens to the rear so the proposal will be out of character. Kingswell is a corner site so does not justify this change.
- The depth of the building is out of character with the area including those on Imperial Avenue.
- The scale of the building generally is out of character and conflicts with the grain of the area.
- Loss of existing historic building which makes a positive contribution to the character of Chalkwell Avenue.
- The proposal will be overbearing on neighbours - the building extends significantly further into the site than the existing building and will be the full length of the neighbours' garden at 2-3 storeys.
- Loss of privacy, 10m separation to the boundary is not sufficient to prevent overlooking. Other flatted development in the area achieves a greater separation distance. Impact on mental health of neighbours.
- Overlooking can still occur from Juliette balconies.
- Overshadowing and loss of sunlight to neighbouring amenity areas especially in winter - the shadow diagram is not accurate.
- The rear building line should be no more than at Kingswell to the south.
- The proposal for a much more intensive use will result in noise and disturbance of neighbouring properties. Sound attenuation is needed. The noise report does not assess the impact of the development on neighbours. Concern over noise and fumes from the proposed parking area and from deliveries and collections to the building.
- Lack of amenity space for some units which do not have private balconies or terraces. The communal garden will not be enough for these residents.
- The location of the required wheelchair units and their parking spaces is unclear.
- There is not enough disabled parking.
- Lack of parking - 0.77 per unit is not enough. There is no visitor parking. The proposal will result in on street parking.
- Concern that a refuse lorry will need to reverse into the site against the traffic flow.
- Impact on bats, foxes and badgers.
- The proposal conflicts with national and local planning policy and guidance.
- The Daylight and Sunlight report was produced before the latest amendment to the guidelines.
- Loss of trees on the south boundary is positive as these are causing a nuisance for neighbours.
- The demolition of the building goes against the aims of sustainable development and climate change. It should be retained and reused and extended.
- The benefit of 26 additional houses is not outweighed by the harm caused by this proposal.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

Housing

- 4.3 As a Major scheme the proposal would be required to contribute to affordable housing equivalent to 20% which equates to a minimum 6 units (4 x 1 bed affordable rent and 2 x 2 bed shared ownership).

On this occasion sufficient evidence has been provided to demonstrate that Anchor, a specialist registered provider (RP) for this accommodation type, do not believe it works for them. The other local RP's which we would usually consider are focused on general needs accommodation, not retirement housing, so are not relevant.

In this case, given the outcome of the independent financial viability review, the proposed surplus of £221,165 is acceptable as the financial contribution in lieu of (on site) affordable housing

Highways

- 4.4 The applicant has demonstrated the site benefits from being in a sustainable location with regard to public transport with good links in close proximity. 21 off street car parking spaces have been provided for the proposal this equates to 0.77% which is acceptable and this ratio has been accepted on other developments. Secure cycle parking can also be accommodated to policy compliant levels. The applicant has also provided TRICS analysis which has demonstrated the proposal will not have a detrimental impact on the local highway network.

A travel plan and travel packs will also be provided and should be conditioned.

Given the above information and the detailed transport statement there are no highway objections to this proposal.

Travel Plan Officer

- 4.5 The Travel Plan and TIP (Travel Information Pack) are generally well organised and thought-out with good information but a number of amendments are suggested which need to be actioned before these documents can be agreed.

Environmental Health

- 4.6 The Acoustic Assessment assesses the potential noise impacts from local road traffic noise and plant and equipment and deliveries at the Aldi store on London Road (to the rear, north-east of the site). The report indicates that internal noise levels can be mitigated with acoustic glazing and building structure and recommends that alternative means of ventilation are available. However the report finds the external private amenity noise levels on the western facade are in excess of the recommended noise levels in BS8233 by 10 dB(A). This is excused by the report but mitigation is required and needs to be evaluated. This can be covered by a condition.

The Site Investigation report has found that there is a low risk from land contamination due the site history. This is consistent with any information that the council holds.

A comprehensive environmental construction method statement will need to be conditioned as there is the potential to cause disturbance from noise and dust to the adjacent residential properties.

Lead Local Flood Authority (LLFA)

- 4.7 No objections subject to a condition requiring the construction method statement to address surface water during construction, agreement from Anglian Water and modelling of drainage flows.

Archaeology Curator

- 4.8 No objections.

Private Sector Housing

- 4.9 No comments to make.

Essex Fire Service

- 4.10 No objections.

Chalkwell Ward Residents Association

- 4.11 Object to the proposal on the following grounds:

- There is an over supply of retirement housing in the vicinity of the site with 4 developments close by.
- Loss of landmark building which is important to local character on this key route.
- The footprint of the building is too large.
- Overlooking of neighbours.
- Impact on local services which are already under stress.
- Lack of visitor parking which will result in greater on street parking.
- Concern that the heating of the units will be unsustainable and unaffordable.
- Impact on bats.
- Controls over sub letting

NHS

- 4.12 The proposal is likely to have a severe impact on the health services and the surgeries which operate in the vicinity of the site. The case for independent living is noted however the existing GP surgeries do not have the capacity to accommodate the additional growth. The capacity of primary healthcare facilities in the area are already below the standards of provision for the existing population. The deficit would be unsustainable if unmitigated. Using our standard formula which is based on the number of dwellings and the requirement for 120sqm of floorspace per 1750 patients, and an average build cost per metre for new build health centres, a contribution of £12,700 is requested towards the creation of additional floorspace for GP surgeries. This should be included in the S106 for this site. [Officer Comment: Funding for community infrastructure including primary NHS services such as GP surgeries is secured through Community Infrastructure Levy which is explained at 7.88 of this report]

Essex Badger Protection Group

- 4.13 The Essex Badger Protection Group is currently aware of eleven badger setts within 1km of the application site, with the area known to contain a significant urban badger population. but none of these setts are considered close enough to the proposal to be at direct risk of harm. The amended Ecological Survey is acceptable in terms of mitigation for badgers at the site and during construction.

Cadent Gas

4.14 No objections subject to an informative regarding contact details for the applicant.

Anglian Water

4.15 Southend Water Recycling Centre will have available capacity for these flows. Full details of the surface water management strategy should be conditioned.

Natural England

4.16 The site falls within the Zone of Influence for one or more European designated sites. A contribution to RAMS should be secured via a S106.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

5.3 Technical Housing Standards – Nationally Described Space Standards (2015)

5.4 Policies Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP8 (Dwelling Provision).

5.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).

5.6 Southend-on-Sea Design and Townscape Guide (2009)

5.7 Technical Housing Standards Policy Transition Statement (2015)

5.8 Waste Storage, Collection and Management Guide for New Developments (2019)

5.9 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

5.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

5.11 Planning Obligations: A Guide to Section 106 and Developer Contributions (2015)

5.12 Interim Affordable Housing Policy (2016)

5.13 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.14 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the proposed dwelling mix, the design and impact on the character and appearance of the area, the standard of accommodation and residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, tree impacts, ecology and mitigation for impact on designated sites, developer contributions and CIL liability.

Appraisal

7 Principle of Development

- 7.1 The provision of new high quality housing is a key Government objective.
- 7.2 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 and improving the environment and ensuring safe and healthy living conditions.*'
- 7.3 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 124 states:

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

- 7.4 Policy KP2 of the Core Strategy requires that "all new development contributes to economic, social, physical and environmental regeneration in a sustainable way".
- 7.5 Policy CP4 requires that new development "*maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments*" and that this should be achieved by "*maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*".
- 7.6 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It seeks that 80% of residential development be provided on previously developed land.

- 7.7 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, which would result in undue stress on local services, and infrastructure, including transport capacity”*

Change of use from Care Home to Older Persons Retirement Flats and The Need for Older Persons Accommodation

- 7.8 Development Management Policy DM9 requires the provision of new care homes to be justified but does not protect existing care homes from redevelopment. There is therefore no objection in principle to the change of the site from care home to housing in this location. In relation to the need for housing for older persons the Planning Practice Guidance states *‘The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.’* and in respect of housing for older persons the Core Strategy states: *‘The 2011 Census highlights that Southend has a higher proportion of older people when compared to the national average. Notably, Southend has more adults aged 75 or over, including those aged 90 or over, comparative to England (SHMA, 2013). Population projections indicate that the proportion of older people in Southend is expected to rise.’*
- 7.9 The more recent demographic projections show that for Southend, the trend of an ageing population is expected to pick up significantly over the next 20 years. The number of people in this cohort was projected to rise by 38.5% (13,518) between 2018 and 2038, according to the 2018-based ONS population projections.
- 7.10 The building is currently vacant but was most recently used as a care home for older persons not family housing. The principle of retirement flats in this location is therefore considered to be acceptable.

Residential Accommodation Mix

- 7.11 Policy DM7 states that *‘the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes.’*
- 7.12 The proposed mix is 11 x 1 bed 2 person units and 16 x 2 bed 3 person units. This does not meet the requirements for policy DM7 but this mix is considered appropriate for a retirement facility where there are not expected to be any children living in the units. At least one resident of each flat will be required to be over the age of 60. In the case of a couple, that part of the lease is satisfied where one of the occupants is over 60 and the other is over 55.
- 7.13 Given that the proposal is for older persons housing only, this mix contains a good range of flat sizes and is considered to be compatible with the objectives of Policy DM7. The proposal is acceptable and policy compliant in this regard.

Affordable Housing

- 7.14 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10-49 dwellings which should be split 60:40 between affordable rented and shared ownership units. Were it to apply here, a policy compliant mix would comprise 2 affordable rented units and 2 shared ownership units.
- 7.15 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is covered in Core Strategy policy CP8 that states: *'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.'*
- 7.16 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"*.
- 7.17 In lieu of on-site affordable housing provision, the Council's Interim Affordable Housing Policy provides a mechanism to calculate the amount required for a financial contribution towards off-site provision where a proposal can provide fully policy compliant affordable housing. In line with that policy and in circumstances when a surplus is expected to be generated, the derived figure for a scheme of this nature and composition and which is demonstrably able to deliver fully policy compliant affordable housing would be £600,772.87.
- 7.18 A financial viability appraisal (FVA) submitted with the application concludes that a policy compliant affordable housing contribution is unviable in this case. The submitted FVA has been reviewed for this Council by an independent consultant who concludes a surplus of £212,519 would be available for affordable housing provision. The applicant has agreed that this sum of £212,519 can be secured through the S106 agreement as the development's contribution for affordable housing provision. The Council's Housing Team have accepted this figure and confirmed that the principle of a financial contribution in this case is reasonable as the applicant has demonstrated that on site provision of this level would be unfeasible in the circumstances applicable.
- 7.19 Given the level of surplus calculated by the independent assessor acting on behalf of the Council the proposal of a financial contribution of £212,519 is considered to be justified in this specific case. Subject to securing this financial sum in the S106 agreement, the proposal is considered to be acceptable in terms of affordable housing contribution. This funding will be used by the Council to provide affordable housing in the city by either purchasing units or helping to fund the Council's affordable housing development programme.
- 7.20 Overall, therefore, it is considered that the principle of this type and mix of development in this location is consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area

- 7.21 Local and national planning policies and guidance seek to ensure that new development is well designed. 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.
- 7.22 Paragraph 126 of the NPPF states *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process 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.’*
- 7.23 Policy DM1 of the Development Management Document states that *“all 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.”*

Loss of Existing Building

- 7.24 The existing building is a well detailed and attractive substantial property from the early C20 and makes a positive contribution to the character of the area. Equally, it has no heritage designations. It is not a listed building or in a conservation area nor is it on the Council’s local list of historic buildings. Only buildings which are statutory listed or in a conservation area can be protected from demolition. Therefore, there is no reasonable basis for requiring this approach in the regeneration of this site. The proposed demolition of the existing building is therefore accepted in principle.

Scale, Form and Layout

- 7.25 The existing building is a substantial property set on a large plot and, significant gaps are maintained to both sides of the building such that, overall, it conveys a sense of spaciousness to the site and its contribution to the streetscene. The prevailing pattern of development within the site’s immediate environs including the two pairs of semi-detached dwellings towards the site’s north has a closer spacing of development facing the street with defined gaps in between.
- 7.26 The proposed new building is 3 storeys to the front and rear with a part 2 storey linking section to the middle on the north side. It would be set 2.1m from the flank boundary with Kingswell to the south and some 6.4m from the boundary No 18 Chalkwell Avenue to the north to allow for a vehicular access on this side. The building line is staggered and provides a transition between the building lines to the north and south which are not consistent. It is considered that a suitably spacious frontage to the street would be maintained in line with other properties in Chalkwell Avenue. The front building line and separation to neighbouring properties is therefore considered to be consistent with local character.
- 7.27 The proposed building projects significantly rearward into the site, reducing in width in the centre section. This arrangement appears primarily to take reference from the site layout of Kingswell to the south which has an ‘H’ plan form on a similar alignment. The houses to the north only occupy the front section of their sites which is the traditional pattern of development in the area.

However, in addition to Kingswell, this pattern has been eroded over the years on other sites in the local vicinity of the application site including Nos 37, 45-47, 57 and 59 Imperial Avenue close by to the east and No 46 Chalkwell Avenue to the south which have all been significantly extended to their rear, deep into their sites and also by backland and infill development at Seymour Mews and No 58 Imperial Avenue in the next block to the south which has been built in the former garden area of No 36 Chalkwell Avenue. The following factors have been given due weight in officers' overall assessment of the character impact. Firstly, there have been alterations to the pattern of development in this immediate area such that this is now a recognisable trait of the pattern of development in particular northwards from the Imperial Avenue junction. Secondly it is considered that the depth of proposed built form will not be readily apparent from the street, such that the proposed development would not, in this instance, cause any significant harm to the character and appearance of the streetscene or to the character and appearance of the site's immediate surroundings.

- 7.28 In terms of height and form, the submitted streetscene drawing demonstrates that the proposed 3 storeys to the front and the proportion of the roof does not appear out of scale in the wider context of Chalkwell Avenue.
- 7.29 Overall, on balance, and as informed by the factors to which officers have given due weight above, the scale, form and layout of the proposal are considered to be acceptable and the proposal is policy compliant in this regard.

Detailed Design

- 7.30 The proposal is a traditional design which seeks to draw reference from the other properties in the area. It has feature gables to the front which are articulated with balconies and timber decoration, tall chimneys, a prominent porch and windows with fanlight detailing and a brick and rough cast render. Amendments have been made during the course of the application such that officers consider the building's frontage to be well balanced, cohesive and ordered and subject to conditions relating to materials and key details, including the gables and eaves, windows including reveals and cills, porches and doors, chimneys and balconies it is considered that the overall design would have a satisfactory impact on the streetscene and character and appearance of the area.
- 7.31 Overall, it is considered that the proposal would, on balance, have an acceptable impact on the character and appearance of the area and is policy compliant in this regard.

Amenity Impacts

- 7.32 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.33 The proposal is set 12.4m from the front building line stepping back to 15.2m for the northern section and forward to 9.9m for the projecting gables. This is consistent with the neighbours to the north and south. The proposal will not have an unacceptable impact on the front outlook of the neighbouring properties.

Impact on neighbours to the north Nos 18 and 16 Chalkwell Avenue

- 7.34 The development would be a minimum of 6.2m from the north boundary for the same depth as the neighbouring building, No 18 Chalkwell Avenue, after which the separation increases to 10m from the northern boundary following the stepped arrangement of the existing boundary towards the rear of the site. The neighbouring dwelling No 18 has 5 windows on its northern side facing the site. At its ground floor is a window to a kitchen diner which also has an outlook to the rear. Above are two flank landing windows and two bathroom windows. At the rear facing east, the closest windows at No 18 serve a kitchen/diner and bedroom. The main ground floor habitable room is on the northern side of No 18's rear elevation with its outlook and private patio area shielded by the two storey rear projection at No 18 Chalkwell Avenue.
- 7.35 The proposal has 6 habitable room windows (1 living room and 5 bedroom windows) and 3 further non habitable room windows on its north elevation facing No 18 at a separation of 10m from the boundary. The proposal has no projecting balconies facing northwards. . The proposal also has 3 further non habitable room windows in the front section of the building which would be 6.2m from the shared boundary and 9m from the flank of No 18 which can be conditioned to be obscure glazed. At second floor there are no proposed habitable room windows facing north towards No 18. There will as a result be an impact on No 18's privacy. Of relevance, however, is that although of different depth and configuration, the existing building on the application site is 3.4m from the northern boundary and 5.9m from the flank of No 18. It has 7 windows in its northern elevation including a large first floor bay to a bedroom which has an outlook directly over the garden of No 18. The proposal would in comparison be 5.8m further away than the existing bay window in this location. Overall, it is considered that this element of the relationship would not be significantly harmful to No 18's privacy.
- 7.36 Also taken into consideration is the depth of the proposal and the impact this would have on the outlook and sense of enclosure for habitable rooms and the rear amenity space of No 18. Applying a notional 45 degree line from the closest rear facing window of No 18 Chalkwell Avenue this would remain clear up to a distance of at least 15m from the rear of the two storey projection of the neighbour. It is also noted that the northern windows at ground and first floor level at No 18 are screened by the existing two storey rear projection so their outlook would be unaffected. In terms of its scale, the proposal drops to two storeys (5.1m eaves height and 6.8m max height) for a distance of 11.5m in the centre of the building facing the main garden area of No 18. This part of the development has a flat roof but it will not be used as a roof terrace which can be controlled by condition. It is also noted that the existing double garage with a pitched roof on the boundary with No 18 would be removed so this impact will be omitted. A Daylight and Sunlight Assessment and Shadow Study have been submitted with the application. The report concludes that resultant conditions for No 18 Chalkwell Avenue would meet the target values as set out in the BRE Guidelines for daylight (in terms of VSC (Vertical Sky Component)) and daylight distribution) and sunlight (in terms of APSH (Sunlight)). The study shows that No 18 will largely see an improvement in its daylight and sunlight to the rooms and windows overlooking the site with the proposed scheme in place as compared with the existing building. The submitted Shadow Study illustrates the shading from the proposal as compared to the existing at morning, noon and afternoon in March/September, June and December. This shows that the shading impact to the front, side and rear of No 18 would be marginally improved as compared to the existing situation in June at noon and in March/September at 8am, noon and 4pm and very slightly impacted on the north side of the rear garden and at the front at 12 noon in December. The study shows that at all other times the impact on shading of the amenity area of No 18 will not be materially different. The diagram does show a marginally worse impact on the rear garden of No 16 Chalkwell Avenue at 12 noon in December only when more of the

rear garden would be in shade as compared to the existing situation. This additional shading would be towards the middle to end of the garden not close to the house which is in shade in both scenarios. A marginal impact is also noted at the front of the property at this time. The study concludes that at all other times of the year there is no shadowing impact on this property at all.

- 7.37 On balance, it is considered that, subject to the described conditions, the proposal, would have an acceptable impact on the amenities of occupiers of No 18 and No 16 Chalkwell Avenue in all relevant respects and that if concerns about this were identified regard would need to be had to the prevailing amenity impacts of the existing building on the site which, in the round, are considered to be comparable with those resulting from the proposal.

Impact on neighbour to the south Kingswell Retirement Flats

- 7.38 Kingswell has only kitchen and landing windows on the northern flanks of its 'H' layout facing the application site. All flats in that development face east, west or south away from the development site. In between these wings is a communal garden area screened on the boundary by a large hedge. The linking section, which contains a secondary window to the communal lounge and the laundry room is set back some 15m into that site.

- 7.39 The proposal has 12 habitable room windows (6 living room and 6 bedroom windows) and 4 further non habitable room windows on its north elevation facing Kingswell at a separation of 10m from the boundary. The proposal has no projecting balconies facing south to limit the impact on this neighbour. The proposal also has 4 further non habitable room windows in the front section of the building which would be some 4m from the shared boundary and 5m from the flank of Kingswell but these align with the blank flank elevations of the neighbouring building and can be conditioned to be obscure glazed. Applying a notional 45 degree line from the closest window of Kingswell looking east this would be clear for a distance of at least 13m. In respect of this neighbour the Daylight and Sunlight report concludes that '*While there will be some noticeable impacts to 65 Imperial Avenue to the south of the site, the impacted windows [on the north elevation] serve small kitchens which are immediately adjoining to main living rooms which will be materially unaffected by the proposed scheme and will remain well daylit.*' The Shadow Study demonstrates that the proposal, which is to the north side of Kingswell, would not have a material impact at any time of year or day. Also to be taken into consideration is the depth of the proposal and the impact this would have on the outlook and sense of enclosure for the rear amenity space of Kingswell. The relationship is considered to be acceptable in this regard subject to the described conditions. Furthermore due regard should be given to existing building on the site which is some 17m from the southern boundary and some 18m from the flank of Kingswell. It has 10 windows in its southern elevation including a large first floor turret to a bedroom and two external fire escapes one of which extends to the 2nd floor. On balance, it is considered that, subject to the described conditions, the proposal, would have an acceptable impact on the amenities of occupiers of Kingswell in all relevant respects and that, if concerns about this were identified, regard would need to be had to the prevailing amenity impacts of the existing building on the site which, in the round, are considered to be comparable with those resulting from the proposal.

Impact on neighbour to the east 63 Imperial Avenue

- 7.40 The existing building is some 39m from the eastern boundary with the garden of No 63 Imperial Avenue to the west which stretches past Kingswell and adjoins the application site.

- 7.41 The proposal would maintain a minimum of 16m to the east boundary to the garden of No 63 Imperial Avenue and 23.5m to the property itself. This distance to the boundary increases to 17.9m for the northern section of the development. The proposal has 11 habitable room windows (4 living room and 7 bedroom windows) and 1 further non habitable room window on its east elevation facing No 63 Imperial Avenue at a separation of at least 16m from the boundary. The proposal also has 2 projecting balconies facing east at first floor level which would be at least 14m from the east boundary and a further single Juliette balcony at second floor level. It is considered that the 14m separation to the boundary is sufficient to ensure that the proposal would have an acceptable impact on the amenities of this neighbour in all relevant regards. When assessing the amenity impacts on No 63 due regard should also be given to the relationship to No 63 of the existing building on the application site which has 2 habitable room windows facing east at the upper levels towards No 63 and 2 external fire escapes.
- 7.42 On balance, it is considered that, subject to the described conditions, the proposal, would have an acceptable impact on the amenities of occupiers of No 63 in all relevant respects and that, if concerns about this were identified, regard would need to be had to the prevailing amenity impacts of the existing building on the site which, in the round, are considered to be at least comparable with those resulting from the proposal.
- 7.43 On the above basis it is considered that the proposed development is acceptable and would comply with national and local planning policies in relation to neighbour amenity.

Standard of Accommodation

- 7.44 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms.

- 7.45 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table.

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

- 7.46 The relevant dimensions of the proposed scheme are also shown on the table below.

Flat	Net Internal Area	Bed 1	Bed 2	Balcony
1 2b3p M4(3)	74.2sqm	14.7sqm Width 3m	9sqm Width 2.6m	5.3 sqm
2	74.2sqm	14.7sqm	9sqm	5.3 sqm

2b3p M4(3)		Width 3m	Width 2.6m	
3 2b3p M4(3)	80.95sqm	16sqm Width 2.9m	8.1sqm Width 2.8m	5.3 sqm
4 1b2p	53 sqm	12.1sqm Width 2.8m		5.3 sqm
5 1b2p	52.8sqm	14.2sqm Width 2.75m		5.3sqm
6 1b2p	52.8sqm	14.2sqm Width 2.75m		5.3sqm
7 1b2p	53 sqm	14.5 sqm Width 2.75m		5.3sqm
8 2b3p	80.1 sqm	16.3 sqm Width 3m	11.1 sqm Width 2.9m	5.3sqm
9 2b3p	80.1 sqm	16.3 sqm Width 3m	11.1 sqm Width 2.9m	n/a
10 2b3p	73.1sqm	14.6sqm Width 3.1m	9.9sqm 2.9m	n/a
11 2b3p	74.2sqm	13.3sqm Width 3m	11.1sqm Width 2.7m	4.3 sqm
12 2b3p	74.2sqm	18.6sqm Width 3.6m	11.1 Width 2.8m	4.3 sqm
13 2b3p	80.95sqm	16.8sqm Width 3m	11.2 sqm Width 2.8m	n/a
14 2b3p	72.3sqm	14.3sqm Width 3m	10.1sqm Width 2.9m	n/a
15 1b2p	53 sqm	12.1sqm Width 2.8m		n/a
16 1b2p	52.8sqm	14.2sqm Width 2.75m		4.3sqm
17 1b2p	52.8sqm	14.2sqm Width 2.75m		4.3sqm
18 2b3p	70.9sqm	16.1sqm Width 2.8m	12.1sqm Width 2.8m	4.3sqm
19 2b3p	80.1 sqm	18.1sqm Width 3.3m	9.9 sqm 2.75m	n/a
20 2b3p	74.2sqm	13.3sqm Width 3m	11.1sqm Width 2.7m	n/a
21 1b2p	57.5 sqm	15sqm Width 2.9m		n/a
22 1b2p	61.8 sqm	17.8 sqm Width 2.9m		n/a
23 2b3p	73sqm	16.6sqm Width 3m	9.8sqm Width 2.8m	n/a
24 1b2p	53 sqm	12.1sqm Width 2.8m		n/a
25 1b2p	52.8sqm	14.2sqm Width 2.75m		4.3sqm
26 1b2p	52.8sqm	14.2sqm Width 2.75m		4.3sqm
27 2b3p	70.9sqm	16.1sqm Width 2.8m	12.1sqm Width 2.8m	4.3sqm
Lounge	73 sqm			

area				
Communal Garden	Approx 110sqm including 38sqm to front			

7.47 The proposal therefore meets the required standards and is acceptable and policy compliant in regards to flat sizes.

Light, Privacy and Outlook

7.48 In relation to light levels of the proposal the Daylight and Sunlight study concludes *'Internally to the scheme, 81% of primary habitable rooms will meet their ADF target values for daylight and 99% will meet for daylight distribution. 64% of living rooms will meet their APSH target values for sunlight. Overall, in our opinion, the scheme will be well daylit and sunlit. Where rooms do not meet the target values, this is predominantly due to overhanging balconies which obstructed and overshadow the window directly below. There is inevitably a trade off between providing a source of private amenity, which is highly desired, and achieving high levels of internal daylight/sunlight.'* This conclusion is considered to be reasonable and it is considered that the proposal is acceptable and policy compliant in this regard.

Noise and Disturbance

7.49 The site is in close proximity of London Road and Chalkwell Avenue which are main traffic routes and near to the Aldi Store on London Road. An acoustic assessment has been submitted with the application to assess the impacts of these noise sources on the new development. The report concludes that *'The design of the development is considered to be acceptable subject to the adoption of acoustically upgraded glazing and MVHR ventilation for apartments.'* This can be secured via condition. In terms of the amenity areas the report notes that the balconies and terraces on the western elevation fronting Chalkwell Avenue would exceed the recommended noise levels however it concludes that this would not make them unusable and the communal garden area to the rear of the property would meet the standards. It is therefore considered that, subject to a condition requiring the implementation of the recommended noise mitigations measures, the new dwellings' living conditions would be acceptable in terms of noise and disturbance impacts.

M4(2) and M4(3) – Accessibility

7.50 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards and 10% of the units (here 3 units) to be M4(3) wheelchair compatible units. This includes providing 3 disabled parking spaces and a lift to all flats. The plans show that units 1,2 and 3 are M4(3) compliant. The remainder are M4(2) compliant. This can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Amenity Provision

7.51 16 of the proposed dwellings, those which face west and the lower levels of the east elevation and at ground floor, where they would not give rise to overlooking, have a private balcony or terrace. There is also a communal garden of 110sqm. This will provide adequate amenity space for all residents. Noting also that the site is directly opposite Chalkwell Park, the proposal is acceptable and policy compliant in this regard.

7.52 Overall, it is considered that the proposal will provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Traffic and Transportation Issues

7.53 The NPPF states (para 111) that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”

7.54 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all.

7.55 The standard for retirement apartments set out in Appendix 6 of policy DM15 is a minimum of 1 parking space per unit and 1 cycle space per 8 flats. Policy DM15 of the Development Management Document states: *“All development should meet the parking standards (including cycle parking) set out in appendix 6. 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. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity.”*

7.56 The site is located close to the London Road bus routes, is opposite Chalkwell Park, and within reasonable walking distance of the seafront, local shops and Chalkwell Station. 21 car parking spaces, including 3 spaces for disabled users, are proposed to the rear of the building. This is equivalent to 0.77 spaces per unit. All parking spaces will have access to an EV charging point. A scooter store for 6 mobility scooters is also provided within the building.

7.57 A Transport Statement has been submitted with the application. This comments that the site is in a sustainable location close to frequent public transport links and that the provision on site has been informed by research at other McCarthy and Stone sites which have identified an average of 0.45 parking spaces per unit plus 0.1 spaces for visitor parking equivalent to 0.55 spaces. With 0.77 spaces per unit proposed the Transport Statement concludes that there would be no overspill onto surrounding streets.

7.58 It is considered that the proposed parking provision at the site would not result in a severe impact on the local road network. The Council’s Highways team has raised no objections to the proposal in terms of parking provision, highway safety or impact on the highway network. The proposal is acceptable and policy compliant in terms of parking provision

Cycle Storage

7.59 Policy DM15 sets a standard of 1 cycle space per 8 retirement dwellings. That equates here to 4 cycle parking spaces. The submitted transport statement comments that spaces for 4 cycles for residents and visitors can be accommodated in the buggy store. This is acceptable and the proposal is policy compliant in this regard.

Travel Packs

- 7.60 A proposal of this scale is required to provide Travel Packs to new residents so that they are made aware of alternative travel options. A draft Travel Pack and Transport Information Pack have been submitted. Once these have been agreed through liaison with the Council's Sustainable Travel Officer the provision of these documents can be secured within the S106 agreement. The proposal is acceptable and policy compliant in this regard.

Refuse and Recycling and Cycle Storage

- 7.61 The Southend Waste Management Guidelines for 22-30 flats recommend 3 x 1100 litre bins for recycling, 4 x 1100 litre bins for general waste plus card and food waste containers as required. The submitted plans show a refuse and recycling store within the building with provision for 3 x 1100 litre euro bins and 3 x 360 litre wheelie bins. This is below the recommended standards but the submitted Waste Management Strategy comments that the Council's Guidelines are based on 3 person households which is above that proposed in the current development. It also notes that extra collections can be arranged by the building managers as required. Taking this into account it is considered that the proposed arrangements are acceptable and the proposal is policy compliant in this regard.

Construction Management Plan

- 7.62 The site is constrained and close to neighbours and the scheme will involve significant demolition. It is therefore reasonable to require a construction management plan to be submitted and agreed prior to the commencement of the works. This can be required by condition.
- 7.63 Overall, the proposal is therefore acceptable and policy compliant in terms of Traffic and Transportation subject to the described conditions.

Sustainability

- 7.64 Policy KP2 of the Core Strategy requires that: "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)". Policy DM2 of the Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.65 An Energy Statement has been submitted with the application. This states that the predicted energy use for the building is 139,114.63 kWh/yr of which 13,911.46 kWh/yr will be provided by PVs (equivalent to a 15.46 kWp system). A mechanical ventilation heat recovery system is also proposed to recycle waste heat back into the building. Water efficient fittings are proposed. These measures can be secured by condition. The proposal is acceptable and policy compliant in this regard.

Sustainable Drainage

- 7.66 All major schemes are required to demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff. A Sustainable Drainage Assessment and supplementary details have been submitted with the application. The Lead Local Flood Authority have reviewed these details and confirmed that they are broadly acceptable and that a full drainage scheme can be agreed by condition. The proposal is acceptable and policy compliant in this regard
- 7.67 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regard to sustainable development and drainage.

Ecology

- 7.68 Core Strategy Policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity. Neighbours have reported seeing bats and badgers in the vicinity.

- 7.69 An Ecology Report has been submitted with the application. In relation to bats the survey states:

'There was no evidence of bats recorded during the internal and external inspection of the buildings and only moderate roosting potential was identified in relation to the buildings where there are areas of tile hanging, gaps around dormer windows/roof, low numbers of slipped/damaged tiles and small areas of missing mortar. There was no evidence of bats recorded during the assessment of the trees and the majority are considered to have negligible potential for bats due to their immaturity and/or obvious absence of suitable roosting features.'

- 7.70 The results of the 2020 and 2022 dusk emergence/pre-dawn re-entry surveys consistently indicate that very low numbers of common pipistrelle bats use parts of the tile hung aspects of the building in what are considered to be 'day' roost locations of low conservation significance. Bats were not recorded emerging from/re-entering the detached garage building during the surveys. Both dusk emergence and pre-dawn surveys have been undertaken at the site on 6 occasions and on each occasion only 2 bats were seen emerging from the tile hanging which is considered to be low, although bat activity in the general area was much higher. Under Natural England guidelines the site is considered to be of low significance and the proposed works would cause low scale of impact. The applicant's report confirms that best practice measures will be used in the demolition of the building under licence from Natural England. 6 bat boxes are proposed to be installed as part of the new development.

- 7.71 The conclusions of this report in relation to bats are considered to be reasonable and the mitigation measures can be secured by condition.

- 7.72 In relation to Badgers the report concludes that:

'Despite the neighbour representations, there has been no evidence recorded for the presence of badger from within the site during the 2020 and 2022 PEA survey visits. Therefore, the proposed works should not have a direct impact on a badger sett or on individual badgers. However, it is possible that badgers may occasionally transit through the site and could therefore be at risk of indirect impacts associated with the construction phase of the proposed works. To avoid the risk of this occurring, precautionary mitigation measures are recommended '

- 7.73 The report includes a number of measures to protect badgers during construction. The Essex Badger Protection Group have not raised any objections to this document or its recommended mitigation measure which can be secured by condition.

Other Protected Species

- 7.74 In relation to breeding birds the report notes ‘*Although no evidence for actively breeding birds was recorded during the survey, the site contains potentially suitable habitats (including the detached garage) for use by nesting birds during the breeding season, some of which will be disturbed/removed to facilitate the proposals.*’ The report therefore recommends that ‘*The disturbance/removal of potentially suitable breeding bird habitat should ideally be undertaken outside of the breeding bird season (avoiding March-July/August). If it is necessary to conduct this work during the breeding season, it should be carried out under the supervision of an experienced ecologist, who will check for the presence/absence of any birds’ nests. If any active nests are found then works with the potential to impact on the nest must cease and an appropriate buffer zone should be established until the young have fledged and the nest is no longer in use.*’
- 7.75 No reptiles were recorded during the surveys of the site.
- 7.76 The conclusions and recommended ecological mitigation measures for the site are considered to be reasonable and can be secured by condition.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 7.77 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. The proposal is therefore considered to be acceptable and policy compliant in this regard.
- 7.78 Overall, subject to a condition requiring the mitigation measures set out in the ecology statement to be implemented and the RAMS contribution to be secured, the proposal is acceptable and policy compliant in terms of ecology in all relevant regards.

Land Contamination

- 7.79 The Site Investigation report has found that there is a low risk from land contamination due to the site history. This is consistent with any information that the Council holds. The proposal is considered to be acceptable and policy compliant in this regard.

Trees and Landscaping

- 7.80 The site is quite overgrown including a number of small trees on the west, south and east boundary. All of the trees on the site are category C or U and are proposed to be removed but will be replaced by 20 new native trees throughout the site including a feature tree on the front boundary which will contribute to the tree cover in Chalkwell Avenue which has a noticeable gap in front of the application site. Boundary tree planting is proposed to the east and west sides of the site to provide enclosure to the street and screening to the neighbours. Year-round shrub planting and block paving is proposed throughout the site to provide an attractive setting for the building. The front boundary will be enclosed with a 1m brick wall to match others in the street.
- 7.81 There is a mandatory requirement to achieve at least a 10% biodiversity net gain increase in the biodiversity value of the site. A Biodiversity Enhancement Strategy has also been submitted with the application which recommends the inclusion of areas of wildflower grassland, including on the lower roof above the entrance, native tree and hedge planting and measures to promote wildlife at the site including 6 bat boxes, 6 swift boxes and 2 invertebrate boxes. The report concludes that the loss of habitat (-39.38%) at the site will be mitigated by the planting of new hedges (47.85%) resulting in a biodiversity net gain at the site. These recommendations can be secured by condition. The proposal is considered to be acceptable and policy compliant in this regard.

Archaeology

- 7.82 An Archaeological Desk Based Assessment has been submitted with the application. This concludes that the site has a low archaeological potential at the study site for all past periods of human activity and no further archaeological works are recommended. The Council's Archaeology Officer agrees with this conclusion. The proposal is considered to be acceptable and policy compliant in this regard.

Planning Obligations

- 7.83 Paragraph 57 of the NPPF states that: *"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."*
- 7.84 Paragraph 58 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.'*
- 7.85 The National Planning Practice Guide makes it clear that *'Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.'*

7.86 Core Strategy Police KP3 requires that: *“In order to help the delivery of the Plan’s provisions the Borough Council will:*

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as:

- a. roads, sewers, servicing facilities and car parking;*
- b. improvements to cycling, walking and passenger transport facilities and services;*
- c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS);*
- d. affordable housing;*
- e. educational facilities;*
- f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate;*
- g. any other works, measures or actions required as a consequence of the proposed development; and*
- h. appropriate on-going maintenance requirements.”*

7.87 The following planning obligations have been agreed with the applicant:

- A financial contribution of £212,519 in lieu of onsite provision of affordable housing (See paragraphs 7.14-7.19 above)
- The provision of Travel Packs for residents and Travel Plan Monitoring (see paragraph 7.59above)
- £3,718.17 (27 x £137.71) towards biodiversity mitigation, management, protection or education (RAMS) (see paragraph 7.76-7.77 above)
- Standard S106 Monitoring Fee.

NHS Contribution

7.88 The NHS requested a financial contribution of £12,700 towards the delivery of GP services in the area. This figure, provided by the NHS is based on their identification of an existing deficit of GP services in the area and their predicted population increase of approximately 62 new residents as a result of the development. This figure is based on the average census household size of 2.3 people per dwelling, the requirement for 120sqm of surgery floorspace for every 1750 patients and the average cost of new build extensions to health centres.

7.89 The agent has responded to this, setting out a range of factors for why they do not consider the contribution request to be justified including in terms of Regulation . In any event and as confirmed by the Council’s Supplementary Planning Document 2: Planning Obligations confirms that funding for potential primary healthcare care is addressed through the Council’s Community Infrastructure Levy, which will be secured here in any event, rather than planning obligations.

7.90 The contributions noted in paragraph 7.89 above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks this committee’s approval subject to the completion of this agreement.

Community Infrastructure Levy (CIL)

7.91 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 2,639.25 sqm, which may equate to a CIL charge of approximately £72,071.83 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity Issues

7.92 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Planning Balance and Housing Supply

7.93 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. This proposal would provide 27 new dwellings for which there is an identified need. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

Conclusion

7.94 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the redevelopment and use is acceptable. The proposed design, and scale of the development would, on balance, have an acceptable impact on the site and wider streetscene. Subject to conditions the proposal would, on balance, have an acceptable impact on the amenities of neighbours. The proposal would provide an acceptable standard of accommodation for new occupiers. There would be no significant harmful traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability and ecology.

7.95 The proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to the completion of a S106 and conditions. Should Members identify harm then firstly it will be appropriate to consider, and weigh in the balance as appropriate, the relationship impacts resulting from the existing built form on the site. Secondly, any identified harm will also need to be balanced against the public benefits of the proposal. This proposal creates new housing, therefore, when assessing the harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole.

8 Recommendation

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- A financial contribution of £212,519 in lieu of onsite provision of affordable housing.
- The provision of Travel Packs for residents and Travel Plan Monitoring.
- £3,718.17 (27 x £137.71) index linked, towards biodiversity mitigation, management, protection or education (RAMS).
- Standard S106 Monitoring Fee.

(b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

01 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 The development hereby permitted shall be carried out in accordance with the following approved plans LSE-2721-03-AC-100 A (Location Plan, LSE-2721-03-AC-102 F (Site Plan and Streetscene), LSE-2721-03-AC-103 G (Proposed Ground and First Floor Plans), LSE-2721-03-AC-104 H (Proposed Second Floor and Roof plans), LSE-2721-03-AC-107 J (Proposed Elevations), LSE-2721-03-AC-111 A (Existing Site Plan), PP/409/WESTCLIFF/F1 (Existing Plans and Elevations), MCSWESTC-01_00A (Proposed Balcony Details).

Reason: To ensure that the development is carried out in accordance with the Development Plan.

- 03 Notwithstanding the details shown on the plans and materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product specifications of the materials to be used on all the external elevations of the development, including walls including string course and decorative render, roof including chimneys, ridge and flat roof areas, balconies including balustrade, floor, underside, gable decoration, eaves, fascia and soffit, windows and doors including sills, dormers and rooflights, entrance porches, fascia and soffits and rainwater goods, driveway, paving and boundaries both walling and fencing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the feature gables and porches including eaves and decoration and supports, window reveals and lintel details, roof edge detail for the 2 storey flat roof section and flat roof area to the main roof and at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 05 The flat roof area of the two storey section of the development above the main entrance on the north side of the building hereby approved as shown on drawing No LSE-2712-3-AC-104-H shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with Core Strategy (2007) policies KP2 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than construction up to ground floor slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:**
- i. Existing and proposed finished site levels or contours.**
 - ii. Details of means of enclosure, of the site including any gates or boundary walls and fencing.**
 - iii. Hard surfacing materials for forecourt and parking area.**
 - iv. Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan. This shall include an extra heavy standard tree to the front of the site as shown on plan reference MCS23711 09C (Landscape Strategy).**

The development shall also be carried out in full accordance with the tree protection measures shown on plan reference 1496-KC-XX-YTREE-TPP01RevA. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837.

Reason: In the interests of the visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

- 07 The 21 car parking spaces, including 3 disabled spaces, and the associated amended vehicular accesses for the spaces to access the public highway at the site as shown on approved plan LSE-2721-03-AC-102 F shall be provided and made available for use prior to the first occupation of any of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. Each parking space shall have access to an electric vehicle charging point.**

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 08 The development hereby approved shall not be occupied until space for at least 4 secure, covered cycle parking spaces to serve the residential development and its visitors have been provided within the buggy store shown on drawing LSE-2721-03-AC-103 G , or in such other on site location alternatively agreed under the scope of this planning condition, and have been made available for use in full accordance with the approved plans by occupiers of the development hereby approved and their visitors. The approved scheme shall be permanently retained for the lifetime of the development.**

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 09 The development hereby approved shall not be occupied unless and until the refuse store to serve the development as shown on drawing LSE-2721-03-AC-103 G has been provided at the site in full accordance with the approved plans and the Waste Management Strategy reference LSE-2721-030AC-WMP rev A and made available for use by occupiers of the residential units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.**

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

- 10 The renewable energy proposals for the development hereby approved shall be carried out in full accordance with the recommendations set out in section 4 of the Energy Statement by Focus dated May 2022 including the installation of 15.46kWp of PV cells or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These renewables shall be implemented at the site prior to the first occupation of the development and retained in perpetuity thereafter.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 11 Prior to occupation of the development hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 12 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 3 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 24 flats comply with building regulation M4(2) 'accessible and adaptable dwellings standard**

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 13** The development hereby approved shall be carried out in full accordance with the noise mitigation measures set out in paragraphs 4.43, 4.44 and 5.4 of the Acoustic Assessment by Cass Allen reference RP01-22212-R1 rev 1 dated 20.05.22 to ensure that the internal noise levels in habitable rooms within the approved flats are in accordance with the ProPG guidance and BS4142. These mitigation measures shall be implemented prior to the occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on the main roads and the service yard of Aldi on London Road to the north of the site would not be detrimental to living conditions of neighbouring and future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 14** Notwithstanding the details submitted within the Drainage Strategy Report by iDLtd reference IDL/1050/DS/001 dated March 2022 and Drainage Strategy Layout LSE-2721-03-DE-100 D and as shown on the plans otherwise submitted and otherwise hereby approved, no drainage works shall be constructed at the site until and unless a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

- i.** A construction method statement must be provided outlining how surface water will be managed at the site including during the construction phase. Details on the phasing of drainage installation relative to wider works shall also be provided.
- ii.** An agreement in principle for Anglian Water for surface water discharge including:
 - a.** Development hectare size
 - b.** Proposed discharge rate (The minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website <http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
 - c.** Connecting manhole discharge location
 - d.** Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Anglian Water Surface Water Policy can be found on their website).
- iii.** Updated drainage modelling calculation outputs to be provided with the following parameters amended. Please note these are for review only given the system has been designed to a 1:100 year storm standard:
 - a.** Cv values set to 1.0 for all storm simulations
 - b.** Maximum rainfall amount set to the maximum allowed by the software or 500 mm/hr, whichever is lowest.

- c. The Additional Storage factor should be set to 0 unless conclusive evidence is provided to justify why this has been modelled using 20 m³/ha

The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 15 No development shall take place, including any works of demolition, until and unless a Construction/Demolition Method Statement and Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. a Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent.
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- vii. measures to mitigate noise disturbance during the development.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4 and Development Management Document (2015) policies DM1 and DM3.

- 16 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 17 The proposed site clearance and construction works shall be carried out in full accordance with the recommendations set out in Section 5.2 of the Ecological Impact Assessment by Greenlink Ecology Ltd dated 16.09.22 and Section 5 and Appendix 1 (Mitigation and Enhancement Plan) showing proposed habitat measures of the Biodiversity Enhancement Strategy by ACD reference MSC23711_BES Rev A dated 08.12.22 or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of biodiversity and to ensure any protected species and habitats utilising the site are adequately protected during building works in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM2 and DM3.

- 18** The finished levels at the site shall be as set out on plan reference LSE-2721-03-DE-103 Rev A before the dwellings are occupied.

Reason: To safeguard the visual amenities of the site and wider area as set out in Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 19** Each of the units hereby permitted shall be only occupied by:

- i. persons aged 60 years or older; or
- ii. persons living as part of a single household in the development with such a person or persons aged 55 years or older; or
- iii. persons who were living as part of a single household in the development with such a person or persons who have since died.

Reason: To define the scope of this permission with respect to parking provision, amenity space, general living conditions, the provision of affordable housing and infrastructure required to support the development together with impact on education infrastructure within the City, in accordance with Core Strategy (2007) Policies KP2, KP3, CP4, CP6 and CP8 and Policies DM1 and DM3 of the Development Management Document (2015).

C) In the event that the planning obligation referred to in part (a) above has not been completed before 11th February 2023 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing, biodiversity mitigation or Travel Plan and Travel Information Packs and that, as such, the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.
- 3** This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution in relation to affordable housing, a financial RAMS contribution, the provision of Travel Plan and Travel Information Packs and monitoring of the agreement.
- 4** Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- 5** Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's Building Control Department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.

- 6** Should any contaminated ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed a scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the local planning authority. Please note that it is the applicant s responsibility to ensure a safe site in terms of land contamination and that the site cannot be determined as contaminated land in the future as defined by Part2A of the Environmental Protection Act 1990.