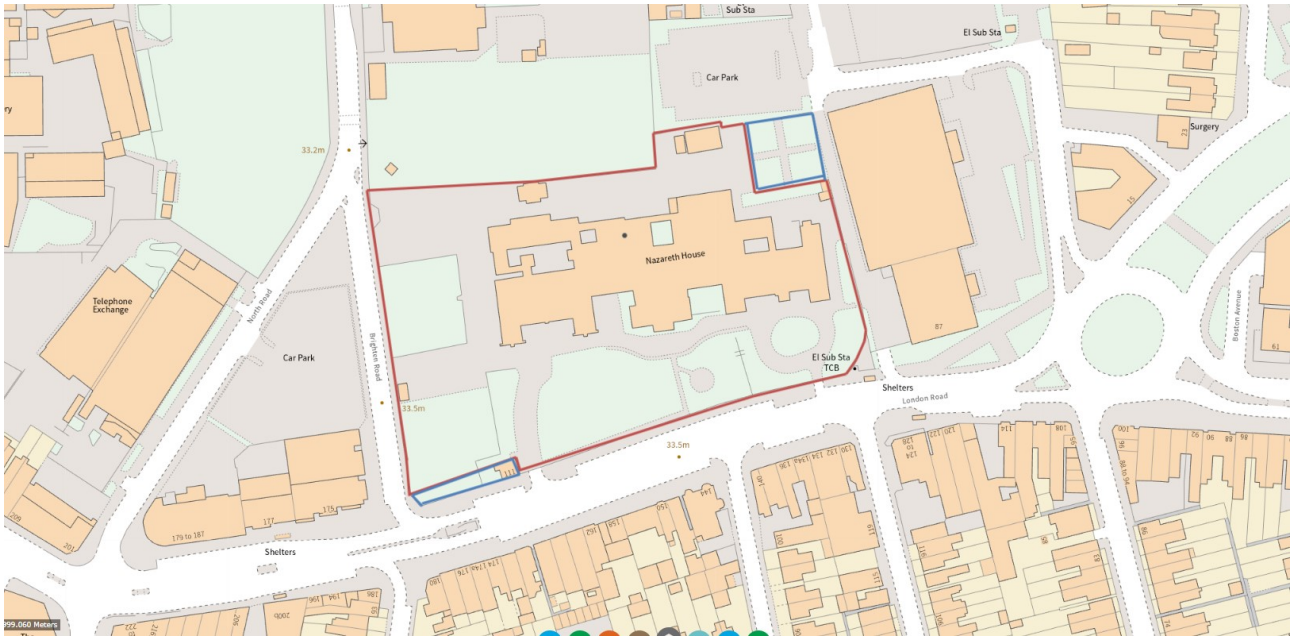


Reference:	22/01118/FULM	
Application Type:	Full Application – Major	
Ward:	Victoria	
Proposal:	Demolish existing buildings and erect two 4 storey buildings, comprising 60no. self-contained retirement flats in one building and 84no. assisted living units with associated communal areas in the other, layout landscaping, parking, bin store and form new vehicle access onto Brighten Road	
Address:	Nazareth House 111 London Road Southend-on-Sea Essex SS1 1PP	
Applicant:	Mr Amit Rabheru of McCarthy Stone Retirement Lifestyles Ltd and Anchor Hanover Group	
Agent:	Mr Richard Butler of The Planning Bureau	
Consultation Expiry:	17.02.2023	
Expiry Date:	03.03.2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	LSE-2794-3-AC-0002 A, LSE-2794-3-AC-0010 A (Showing EV charging points), LSE-2794-3-AC-1000 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-1002 A, LSE-2794-3-A, -1003 B, LSE-2794-3-AC-1004 B, LSE-2794-3-AC-1010 B, LSE-2794-3-AC-1011 B, LSE-2794-3-AC-1012 B, LSE-2794-3-AC-1013 B, LSE-2794-3-AC-1014 B, LSE-2794-3-AC-1015 B, LSE-2794-3-AC-1016 B, LSE-2794-3-AC-1017 B, LSE-2794-3-AC-1018 B, LSE-2794-3-AC-1019 B, LSE-2794-3-AC-2000-B, LSE-2794-3-AC-2010-B, LSE-2794-3-AC-2012 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-2011 C, LSE-2794-3-AC-3000 A, LSE-2794-3-AC-4000-A, LSE-2794-3-AC-4001-A	
Supporting information:	<p>Planning Statement and Appendices by PBL dated May 2022</p> <p>Affordable Housing Statement by Pegasus Group reference P21-3767 dated April 2022</p> <p>Design and Access Statement dated May 2022</p> <p>CGI views of Block A and Block B</p> <p>Materials Plan LSE-2794-3-AC-4002</p>	

	<p>Heritage Statement by Bidwells dated May 2022</p> <p>Archaeological Desk Based Assessment by RPS reference JAC27620 dated October 2021</p> <p>Energy Statement by Focus dated April 2022</p> <p>Preliminary Ecological Appraisal by Greenlink Ecology Ltd dated 19.05.22</p> <p>Bat Survey Report by Greenlink Ecology Ltd dated 19.05.22</p> <p>1754-KC-XX-YTREE-TCP01Rev0 Tree Constraints Plan</p> <p>1754-KC-XX-YTREE-TPP01RevB Tree Protection Plan</p> <p>Tree Survey and Impact Assessment by Keen Consultants reference 1754-KC-XX-YTREE-Rev 0 dated April 2022</p> <p>Transport Statement by PB dated May 2022</p> <p>PP/4066/NAZARETH-HSE/F1-F7 Existing Plans and Topological Survey Plans</p> <p>Flood Risk Assessment by Amazi reference AMA865 Rev 0 dated April 2022</p> <p>LSE-2794-03-DE-109 Existing Drainage Area</p> <p>LSE-2794-03-DE-100 Proposed Drainage Area Plan</p> <p>LSE-2794-03-DE-101 Proposed Drainage Plan</p> <p>LSE-2794-03-DE-102 Proposed Levels</p> <p>LSE-2794-03-DE-110 Refuse Vehicle Tracking</p> <p>Waste Management Plan reference LSE-02794-03-AC-WMP</p> <p>Car Parking Management Plan by PB dated June 2022</p> <p>Viability Statement by McCarthy Stone and Anchor dated June 2022</p> <p>Internal Daylight and Sunlight Report by Waldrams dated 18.05.22</p> <p>Statement of Community Involvement by becg May 2022</p> <p>Air Quality Assessment reference P5461-R1-V1</p> <p>Need Assessment of Specialist Housing for Older People in Southend reference P21-3767 dated 01.04.22</p> <p>Noise Impact Assessment reference R9195-1 Rev 2 dated 17.05.22</p> <p>Site Investigation Report by Crossfield Consulting reference CCL03474.C070</p> <p>Stage 3 Landscape Strategy MCS23537-09C</p>
<p>Recommendation:</p>	<p>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</p>



1 Site and Surroundings

- 1.1 The site is on the northern side of London Road directly to the east of Brighton Road. To the north of the site is St Helen's Primary School. There are ground floor commercial premises on London Road opposite the site with some residential units above. There are public on street parking bays in front of the site on London Road and in front of the shops opposite the site with a 1 hour waiting restriction. To the east of the site are large retail premises. To the west of the site is 175 London Road, a recent 5 storey flatted development. The site is on the western edge of Southend Town Centre and is close to major shopping and other facilities.
- 1.2 An existing care home and convent on the site are currently vacant. The current buildings date from between 1897 and 1930 and were later extended in the 1970s and are formed of two, large, three storey institutional style buildings linked by a single storey Early English style chapel. The chapel has a simple design. Some original decorative elements, such as the Stations of the Cross and stained glass have been removed.
- 1.3 The buildings are set significantly back from the road within a landscaped garden to the front. A 2.8m high wall at the front of the site on London Road dates from the same time as the buildings. This wraps around the site reducing in height to some 2.2m fronting Brighton Road and is 2m high on the site's eastern boundary. Within the site are parking areas to the front of the buildings with further parking to the rear and west within the site. A small convent cemetery to the north-east is outside the application site boundary. There are mature trees on the site, but none are subject to Tree Preservation Orders (TPOs).
- 1.4 The site has no specific allocation in the Development Management Document's Proposals Map but is within the boundary of the Southend Central Area Action Plan (SCAAP) within which the application site is in the Victoria Gateway Neighbourhood Policy Area.

2 The Proposal

- 2.1 The proposal seeks planning permission to demolish the existing buildings and to erect two 4 storey buildings on the site in a similar central location as the existing buildings. The western building (Block A) will comprise 60 self-contained Class C3 retirement flats (33 x 1-bed and 27 x 2-bed). The eastern building (Block B) will comprise 84 Class C2 assisted living flats (32 x 1-bed and 52 x 2-bed) with associated communal areas. All the Class C3 retirement flats within Block A will be market housing. The Class C2 assisted living units in Block B will be a mix of affordable shared ownership (52 units) and affordable rent (32 units). Only the shared ownership units are proposed to be secured as affordable housing in the Section 106 Agreement.
- 2.2 Both buildings will share the landscaped gardens to the front and parking area to the rear accessed by a widened vehicular access from Brighton Road to the northwest corner of the site. The vehicular access to the front of the site next to the gatehouse will be retained for emergency access only. The gate to the east of the London Road frontage will be converted to pedestrian access only. The gatehouse to the southwest corner is being retained as existing by the Sisters of Nazareth and falls outside the application site.
- 2.3 Both proposed buildings are 4 storeys high and have a 'T' formation and layout with a rear wing extending northwards in the centre. The western building (Block A) has a maximum width of 60m, a depth of 20m to the front section and a maximum depth of

41m including the rear wing. It has an eaves height of 11m and a maximum ridge height of 17m. The eastern building (Block B) has a maximum width of 86.3m, a depth of 19.7m to the front section and a maximum depth of 43.9m including the rear wing. It has an eaves height of 11m and a maximum ridge height of 16.3m.

- 2.4 Both buildings have their own reception, refuse store, mobility scooter store, guest suite and lounge. The assisted living building (Block B) also has a dining area and kitchen, a hair and beauty salon, a wellness suite and a domestic care office. All flats in both buildings are self-contained and each has access to a private balcony or terrace as well as the shared communal gardens.
- 2.5 95 car parking spaces are proposed for the development in total. 44 are allocated to the 60 Class C3 units within Block A and 51 to the 84 Class C2 units within Block B. Within this allocation are 4 disabled parking spaces for each building. Cycle and mobility scooter parking is also provided. 34 parking spaces will have electric vehicle charging. An additional 2 parking spaces are proposed for visitors to the convent cemetery to the northeast outside of the proposal site.
- 2.6 The proposal would be constructed of red and buff brick with a grey tile roof and grey slimline UPVC windows and doors.
- 2.7 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
18/01146/OUTM	Demolish existing buildings, retain existing chapel, erect seven storey building, four storey building, 2no three storey buildings and six storey building forming 154 apartments and 77 bedroom care home and convent (Outline).	Planning permission refused on 14 th September 2018.
11/01431/EXTM	- Demolish existing care home and erect part 2/part 3/part 4/part 5/part 6 storey care village with roof accommodation comprising of 47 bed care home, 26 close care units, 126 extra care units, 4 care stations, sisters convent accommodation, associated communal facilities including doctors/nurses surgery, therapy and fitness suite, meeting rooms, function rooms, shop, library, lounge areas, landscaping, refuse storage and associated parking (application to extend the time limit for implementation following planning permission 06/00711/FUL dated 3rd November 2008).	Planning permission granted on 22 nd December 2011 subject to a S106 agreement. This consent has not been implemented and is no longer extant.
06/00711/FUL	Demolish existing care home and erect part 2/part 3/part 4/part 5/part 6 storey care village with roof accommodation comprising of 47 bed care home, 26 close care units, 126 extra care units, 4 care stations, sisters convent accommodation, associated communal facilities	Planning permission granted on 3 rd November 2008.

	including doctors/nurses surgery, therapy and fitness suite, meeting rooms, function rooms, shop, library, lounge areas, landscaping, refuse storage and associated parking (Amended proposal).	
92/0054	Erect single storey extension to provide new laundry block and staff accommodation and erect detached garage.	Planning permission granted 20 th February 1992.
90/1378	Demolish part of existing building and erect part single/part two storey link extension to provide additional ancillary office and residential accommodation, new hall and kitchen facilities.	Planning permission granted 23 rd January 1991.
90/0663	Demolish part of existing building and erect part single/part two storey link extension to provide additional ancillary office and residential accommodation, new hall and kitchen facilities.	Planning permission granted 18 th July 1990.
87/1645	Alter existing main gateway entrance and widen existing vehicular access.	Planning permission granted 28 th October 1987.
86/2154	Erect link way at rear.	Planning permission granted 18 th February 1987.

4 Representation Summary

Public Consultation

4.1 125 neighbours were consulted, a site notice displayed and a press notice published. Additional consultation was carried out following scheme revisions. In total, 2 letters of representation have been received raising the following summarised issues:

- Retention of the existing buildings will have less impact on the environment and is better for the climate in terms of carbon.
- Loss of an existing heritage building. The existing building should be retained and refurbished.
- Concerns relating to the impact on local infrastructure already under pressure from a growing population.

An 11 page petition with 337 entries objecting to the demolition of Nazareth House was received.

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

- 4.2 As a Major scheme such a proposal would be required to contribute to affordable housing equivalent to 30%. The proposed development comprises of Block A Class C3 (60 x retirement apartments) and Block B Class C2 (84 x assisted living units). According to policy CP8 the affordable housing provision is calculated from Block A (60 units) only, with a 30% provision equating to a minimum of 18 units of affordable housing. A policy compliant scheme would comprise 9 x 1 bed units and 9 x 2 bed units, 11 of which should be affordable rent and 7 shared ownership.

The 84 units in the C2 assisted living block is proposed as the affordable contribution for the development. This would comprise 32 affordable rent and 52 shared ownership units of 1 and 2 bedrooms. This would be subject to Homes England Grant funding. The terms of this funding do not allow the affordable rented units to be secured in a legal agreement. Only the shared ownership units can be included in the S106, Strategic Housing is in support of this.

Housing Need

The Housing Learning and Improvement Network's Housing Needs Assessment for older people (2022) has detailed (for Southend City) a net need in all types of housing for older people, with the exception of residential care bed spaces.

Housing / accommodation type	Estimated net need by 2025	Estimated net need by 2030	Estimated net need by 2035	Estimated net need by 2040
Housing for Older People (units)	154	443	723	933
Housing with Care (units)	88	185	298	445
Residential care (beds)	-27	-152	-291	-429
Nursing care (beds) ³²	87	159	245	367

In terms of overall numbers of units, the proposal for 52 shared ownership Class C2 units (secured) and 32 affordable rented Class C2 units (unsecured) is in excess of the 18 secured Class C3 units required by the Policy.

Affordable Rent

Anchor are using affordable rents for this development and all service charge costs are included in the total rent charge. The Housing Section have been informed that the indicative charge (subject to Homes England grant and build costs) is £232 pwk.

Housing Benefit have reviewed the information provided by Anchor and have advised the rental figures are acceptable for Housing Benefit purposes. The Health and Wellbeing service will be charged as a separate service and they do not believe it will be eligible for housing benefit as it is a support and activity function. Anchor have instead designed their service offer to be affordable and payable from a residents disposable income. This is estimated to be in the region of £5-10pwk (working at £6pwk but awaiting confirmation).

Shared Ownership

The shared ownership product widens choice and provides an affordable offer for downsizing for owners of properties of the lower-middle market end of the ownership range. For this cohort, downsizing can enable them to increase their savings and release equity to spend on their own care and support costs, so that they can be "self-funders"

for longer, reducing the financial impact on social care funding.

Anchor have requested that the affordable rented units are excluded from the S106 agreement to assist with their grant funding request. The Head of Housing Supply is supportive of this scheme, and their request for Homes England grant funding.

The Strategic Housing Team is therefore supporting Anchor's request regarding the affordable units requested via S106, namely, this should include the Shared Ownership units, and exclude the affordable rented. Each affordable housing unit must meet their respective size standard as outlined in the technical housing standards.

Highways

- 4.3 Alterations to the existing vehicle access on Brighten Road will need to be approved by the Highway team.

The applicant has submitted a comprehensive transport assessment which has included TRICS Assessment and information relating to the sustainable location of the site. The TRICS assessment has demonstrated the proposal slightly increases the peak hour trip rates but this is not considered to have a detrimental impact on the local highway network.

95 car parking spaces have been provided for the proposal which equates to 0.66 parking ratio. This is acceptable in this sustainable location and has previously been acceptable with other town centre developments. The site is in close proximity to bus, rail and cycle routes and also has good local amenities in close proximity. It is not considered that the proposal will have a detrimental impact on the local highway network, the applicant has provided a robust transport statement in support of the application.

The applicant should provide a travel plan and travel packs to help encourage alternative public transport use.

Therefore given the above information and that contained within the transport statement it is not considered that the proposal will have a detrimental impact on the location highway network.

Environmental Health

- 4.4 No objection subject to conditions relating to noise including plant and equipment noise, contamination, Construction Method Plan, external illumination and refuse and recycling.

Lead Local Flood Authority (LLFA)

- 4.5 The submitted drainage information has been reviewed and is acceptable subject to confirmation of an agreement in principle from Anglian Water regarding the surface water connection point and maximum flow rate.

Strategic Planning

- 4.6 The development proposals are for two four-storey buildings comprising of 60 self-contained retirement flats and 84 assisted living flats. Affordable units would be provided within the assisted living element of the scheme only, resulting in 32 shared ownership assisted-living units. The Development Management Document sets out the policy requirements for affordable housing, together with Core Strategy Policy CP8.

Policy DM7 requires a mix of 60:40 between social and affordable rented and intermediate housing.

It is expected that the affordable housing requirements set out above are met as part of any development proposal. If this is not the case then applicants are required to justify to the satisfaction of the Council a more appropriate mix (DM7.2). The affordable element of the scheme provides only shared ownership (intermediate) units – no provision is made for social / affordable rented accommodation, contrary to Policy DM7. The Council's Housing and Adult Social Care teams should be consulted regarding need for this type of accommodation, and further justification sought from the applicant as appropriate.

NPPF Paragraph 120.d and Development Management Document Policy DM3 seek to make efficient and effective use of land. The density of the proposed development is relatively low for a central area site, at approximately 100dph. The design and access statement notes that the proposed buildings would cover only 24% of the site.

The Electric Vehicle Supplementary Planning Document is not specific on sub classes of residential uses but looking at the type of facilities and the number of spaces and employees the following is suggested:

- Retirement apartments: 24 charge points for the block with at least one of these serving a disabled space.
- Assisted living block should provide 10 charging points with at least one serving a disabled space.

The RAMS contribution should be 1 tariff per C3 flat and one single tariff for the C2 block as the residents are unlikely to make many visits to the foreshore if they are in need of daily care.

Adult Social Care

- 4.7 Adult Social Care support this application which takes a previously rated 'Requires Improvement' Care Home off the market whilst providing alternative accommodation for our aging population (that may also release under-occupied housing elsewhere in Southend).

Anchor have confirmed that these units are designed to have affordable rents and in this respect they would be treated like a normal housing association rent so anyone under state retirement pension age would have to claim Universal Credit and anyone that is state pension age would claim Housing benefit. These benefits would not cover the care packages, however, Anchor have designed these to be affordable.

Archaeology Curator

- 4.8 A Written Scheme of Investigation and Watching Brief should be conditioned due to the high archaeological potential for Medieval remains and moderate potential for Saxon remains.

Tree Officer

- 4.9 There are 22 trees marked for removal within the tree survey plan provided. Of these, eight are classed as Category U trees and 14 are B and C categories. Category U trees are those of very low quality or with defects that do not make them suitable for retention. There is no objection to the removal of the category U trees. Of the category B and C trees to be removed, the 4 pear trees have poor form and the cherry is hidden

so there is no objection to their removal. The lime trees to be removed at the front of the site have been previously pollarded and have not been maintained regularly and show signs of some decay and defects within the pollard heads. To retain these trees would entail a regime of regular pollarding, leaving standing stems which would produce a mass of basal and epicormic shoots requiring further regular maintenance. For these reasons I agree that the trees are not suitable for long term retention and the planting of more suitable trees elsewhere on the site would be preferable. The sycamore trees to be removed at the eastern end of the site also have poorly formed crowns following previous pollarding some years ago. These trees would need heavy crown reduction work to maintain them which would not provide high amenity trees. For these reasons I agree that the trees are not suitable for long term retention and the planting of more suitable trees elsewhere on the site would be preferable. No objection. The Ash in the row of trees to the west of the driveway looks like it is struggling. It may be Ash Dieback, but it is an old tree and it may be worth re-pollarding it to see what happens. There should be allowance made in the landscaping scheme for replacement planting in this part of the site.

Although some trees have died and others are in poor condition, overall there is still a nice selection of trees in the front garden. A landscaping scheme should include the renovation of this area, with retention of the better trees and replacement of poor quality trees. The bay shrubs and cherry laurel trees to the front of the site in particular are good specimens and worthy of retention and should be protected during development.

The landscaping scheme, with regard to new trees, should specify container grown trees (or containerised for a minimum of 2 years), a minimum of 10-12cm girth. It should include detail of planting methods, watering schedule and a 5 year maintenance plan, including replacement for failures.

Essex Fire Service

4.10 No objections.

Essex Police

4.11 No apparent concerns with the layout. It is recommended that the developer seek to achieve the Secured by Design Homes accreditation.

Milton Conservation Society

4.12 It is disappointing that the applicant did not contact the Milton Society prior to submission. We generally do not support demolition to this building in the absence of a feasibility study for re-use which we cannot see submitted with this application. There are significant sustainability arguments with demolition verses re-use which we believe should be examined. There is also the loss of a landmark building with some architectural and historical significance. However, there are also the benefits of a space and energy efficient new build to weigh against re-use. Subject to good re-use not being possible, we can generally accept the principle of a new retirement living proposal for this site and can see that it would be of benefit to local housing need, the housing 'ladder', the local elderly population and their families. This redundant site appears to be suitable for this type of development.

Some effort has been put into articulating and modulating the main, south, public facing facade of the proposal, but the two side by side buildings create a huge wall-like edifice of a building. The current site includes a section of two and one storey development at its centre and this is now lost with this proposal, adding mass to the site.

The most notable building at this central location is the chapel, a building of some local significance. We contend that the submitted heritage report under values the significance of this building. There is no recognition nor acknowledge of the chapel's relationship to St Helen's Roman Catholic Church, located a very short distance away, as part of the local parish. The Roman Catholic chapel of 1876 would have taken reference from this Listed, Gothic Revival church of 1869 but also from the Roman Catholic preference for Gothic Revival architecture. The chapel was significant for parishioners of St Helen's and other local parishes who frequently attended. Sir David Amess often attended mass here. The chapel was held in affection by local people and gave the opportunity for social interaction with residents of Nazareth House. We suggest that the building has been overlooked to some extent due to its constrained, behind the wall location and should now be considered for local listing. The chapel possesses clear architectural and historical merit and its complete loss would be contrary to Local Plan policy DM5. Of course, the former chapel is now de-consecrated and redundant, so a new use is required to give the building life and purpose.

A second concern with this proposal is the limited amount of social space for such a very large number of flats. Let us be clear about this, if 144 flats were arranged as 72 two storey dwellings it certainly would be considered a retirement village. Yet the proposal only includes basic communal facilities, in the form of just two lounges. In 2022 society should be looking far beyond this with facilities for greater community engagement and sustainably good living for elderly residents. In particular, mental illness is never more serious a concern than now so measures to help overcome this must form part of major retirement residential planning applications. There should be a multi-use space or spaces for events, dances, fitness, cinema, visiting performance and intergenerational activities etc. Perhaps this could be somewhere the residents of both buildings can meet. Almost perfectly positioned in this regard is the existing chapel, mid-way between the two proposed buildings. This could be re-purposed and if located between the lounges of the two buildings could create a semi-public space allowing a real sense of social interaction with the wider community. In amongst all the built modernity it would provide an alternative 'traditional' space, relatable to elderly people. This would be extremely good, considerate, sustainable design. It would add to the quality of the development.

The retention of this former chapel could serve three purposes, overcoming and breaking the proposed 4 storey, wall-like edifice with a differently scaled and historically authentic building adding interest to the site, providing an ideal multi-purpose space giving new use and meaning to the redundant building, and protecting the historically significant building. This would respect the affectionate past use of this chapel. We would also respectfully suggest that this approach could show that McCarthy & Stone are very forward thinking and look beyond basic social provision.

Aside from the former chapel and subject to re-use not being possible, we agree that the lesser significance of the other buildings and replacement with modern retirement flats, could be justifiable and the design appears to be generally acceptable. The differing use of materials, variance in design of the gables and the use of balconies are all important. The design of the balconies should be conditioned so that these do not end up as cheap, crude constructions (as elsewhere in the city).

We welcome the retention of the boundary wall, which is an established characteristic of the city centre approach, and the gatehouse. This is most important so should be conditioned.

Our only other comment is that we would like to see far more design quality given to the car park, for the benefit of the large number of proposed overlooking flats. The few

cut and paste small trees applied to the plans shows that this has not been properly considered. Perhaps a planted pergola design, providing a green outlook, might help? There needs to be greater design quality to this rear space.

Whilst much of this proposal has merit we cannot accept the loss of the historic chapel, the inadequate community relationship provision and the overwhelming, uninterrupted mass of the proposal. These are substantive reasons to request refusal of planning permission.

NHS

- 4.13 The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.

The ICB therefore requests that the sum of £54,600 be secured through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the vicinity of the application.

[Officer Comment: Funding for specified types of community infrastructure including primary NHS services such as GP surgeries is secured through Community Infrastructure Levy which is explained at 7.85-7.87 of this report]

London Southend Airport

- 4.14 No objections.

Anglian Water

- 4.15 Southend Water Recycling Centre will have available capacity for these flows. The submitted drainage details are acceptable.

Historic England

- 4.16 The existing buildings, including the chapel, do not merit statutory listing due to the lack of architectural interest.

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 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and

Effective Use of Land), DM4 (Tall and Large Buildings), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM9 (Specialist Residential Accommodation), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

- 5.6 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous Retail Centre), DS2 (Key Views), DS3 (Landmarks and Landmark Buildings), DS4 (Flood Risk Management and Sustainable Drainage), DS5 (Transport, Access and Public Realm) and PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles).
- 5.7 Southend-on-Sea Design and Townscape Guide (2009)
- 5.8 Technical Housing Standards Policy Transition Statement (2015)
- 5.9 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.12 Planning Obligations: A Guide to Section 106 and Developer Contributions (2015)
- 5.13 Interim Affordable Housing Policy (2016)
- 5.14 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.15 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 5.16 Housing Needs Assessment: housing and accommodation for older people - Housing Learning Improvement Network Report for Southend-on-Sea City Council (April 2022)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development including demolition and redevelopment, 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, sustainability, 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*” .

7.8 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.

7.9 Whilst the proposal would not result in any dwellings suitable for families, the provision of additional housing carries significant weight in the assessment of the application, particularly in light of the NPPF’s tilted balance and how this proposed amount of housing would make a significant sector specific contribution towards the needs of the City.

Change of use of site from Care Home/ Convent to Older Persons Retirement Flats and Extra Care Retirement Housing and the Need for Older Persons Accommodation

- 7.10 Development Management Document Policy DM9 requires the provision of new care homes to be justified but does not protect existing care homes from redevelopment.
- 7.11 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.'*
- 7.12 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.
- 7.13 In its former use Nazareth House was an outdated facility and was categorised by the Care Commission as 'requires improvement'. In terms of use there is therefore no objection in principle to its demolition and replacement with a more modern development for older persons which includes both standard retirement housing and extra care retirement housing. The principle of the development is therefore considered to be acceptable in this respect.

Residential Accommodation Mix

- 7.14 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.'*
- 7.15 The proposal comprises 60 self-contained Class C3 retirement flats (33 x 1-bed and 27 x 2-bed) and 84 assisted living (Class C2) flats (32 x 1-bed and 52 x 2-bed). This is not in line with the detailed mix requirements for policy DM7 but this mix is considered on its merits to be appropriate for the proposed retirement uses at the site as the retirement facility is not expected to house any children. 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.
- 7.16 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 broader objectives of Policy DM7. The proposal is acceptable and policy compliant in this regard.

Affordable Housing

- 7.17 Policy CP8 seeks an affordable housing provision of 30% for major residential proposals of over 50 dwellings which should be split 60:40 between affordable rented and shared ownership units. Policy CP8 applies to all Class C3 housing and in this case a policy compliant mix would comprise 11 affordable rented units and 7 shared ownership units. There is no policy requirement to provide affordable housing for Class

C2 housing which includes assisted living units. Policy CP8 recognises that in some cases there will be a need to negotiate levels of affordable housing provision on a site-by-site basis.

- 7.18 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision is reiterated in the supporting text at paragraph 10.17 of the Core Strategy which states '*a balanced approach is needed to the setting of targets and thresholds for affordable housing provision. This balanced approach should take on board, amongst other things, the scale of need and issues of financial viability. Whilst the Council would wish to send a clear message about what will be required of development schemes, so that these considerations can be taken into account early in the planning and development process (See KP3 'Implementation and Resources'), there is clearly a responsibility to adopt a reasonable stance with regard to affordable housing provision. There is also a need to recognise that a range of tenures and types of affordable housing should be considered.*'
- 7.19 The development comprises 60 x retirement flats (Use Class C3) and 84 x assisted living units (Use Class C2) The joint applicant providing the C2 units, Anchor, is stated to be England's largest provider of specialist housing and care for people in later life. It is a not-for-profit organisation. The affordable housing within this proposed development is twofold. Firstly, 52 x 2-bed affordable shared ownership assisted living units within Block B are to be secured within a Section 106 legal agreement. The applicant confirms that the remaining 32 Class C2 units within Block B will be affordable rented units but has also explained that these 32 units will not be secured in any Section 106 legal agreement because of how Homes England grant funding (applied for by the applicant in relation to this project) works. For the purposes of this planning application those 32 affordable rented units cannot be considered as secured affordable housing so cannot be given any weight in the application's determination. In summary, Staff have assessed the proposal only on the basis of that which can be secured in the Section 106 ie the 52 affordable shared ownership units. That offer is instead of the normal policy-based requirement for 18 affordable Class C3 retirement flats. To support this case for an exception to policy a Needs Assessment has been submitted with the application. This concludes that:

'Planning Policy

The relevant development plan documents are the Southend on Sea Core Strategy and Southend on Sea Development Management Document, which are both time-expired albeit not necessarily out-of-date. The 2016 SHMA and 2017 SHMA addendum are material considerations and address the need for all types of housing and the needs of different groups in the community up to 2037. Nevertheless, they should not be considered in isolation as they do not set the housing or planning policy. Both the 2016 SHMA and 2017 SHMA addendum highlight the sizeable growth in the older population projected over the period to 2037 and the need for older persons accommodation.

Ageing Population

Estimates for 2020 show that Southend's population stands at just over 182,100, a rise of 4.9% (8,500) since 2011. The fastest growing age group between 2011 and 2020 in Southend was 65+, with a rise of 15.2% (4,700). The trend of an ageing population is expected to pick up significantly in Southend over the next 20 years. The number of people in this cohort is projected to rise by 38.5% (13,518) between 2018 and 2038, according to the 2018-based ONS population projections.

Health Issues relating to an Ageing Population

Data sourced from POPPI (Projecting Older People Population Information System) shows how the prevalence of health issues relating to older people is likely to rise over the next 20 years. Between 2020 and 2040, it is projected that in Southend there will be a 50%+ increase in over 65's that will need help with at least one domestic task and one self-care task. As well as this there is a projected 57% increase in over 65's in Southend that will be living with a limiting long-term illness and a 67% increase in those suffering from dementia. Looking at mobility, in the next 20 years in Southend, there is projected to be a 57% increase in over 65's who need help with at least one mobility activity and the number of over 65's having a fall requiring hospital admission is projected to increase by over 63%.

Tenure Profile of Older Home Owners

The percentage of household reference persons (HRPs) in Southend aged over 16 who own their own home outright is 18.3%, however this figure rises to 64.9% when HRPs aged 65+ are analysed. Just over half the households (50.5%) in Southend with occupants over the age of 65 have two or more empty bedrooms. This rises to 89% if occupants with one empty bedroom are included in the analysis. These family-sized properties could potentially be released back on to the market if the right accommodation for those aged 65 and over was developed.

Current Supply

A review of the EAC's (Elderly Accommodation Council) older person housing database (excluding care homes) shows a total current supply of 2,731 units in Southend, spread across 74 schemes. Affordable housing for older people accounts for a higher proportion of total units than market housing: 63% (1,707 units) versus 37% (1,024 units). Affordable sheltered housing is the most prominent form of specialist accommodation and social landlord rental units dominate in this respect, accounting for 1,314 of 1,430 affordable sheltered housing units in Southend. By contrast, there are only an estimated 97 shared ownership units in the LPA area (0.07%). In terms of market accommodation for older people, sheltered housing (932) accounts for the highest number of units.

- 7.20 The table below from the Housing Needs Assessment: housing and accommodation for older people - Report for Southend-on-Sea City Council (April 2022) predicts the net need for older people in the city.

Housing / accommodation type	Estimated net need by 2025	Estimated net need by 2030	Estimated net need by 2035	Estimated net need by 2040
Housing for Older People (units)	154	443	723	933
Housing with Care (units)	88	185	298	445
Residential care (beds)	-27	-152	-291	-429
Nursing care (beds) ³²	87	159	245	367

- 7.21 This shows that there is a deficit for housing for older people both in terms of standard units and housing with care which are proposed within this development. This report also states that 'The evidence from the qualitative research is that it is likely that a proportion, c.25%, may need to be for affordable home ownership, for both 'housing for older people' and for 'housing with care.'

- 7.22 Taking into consideration the circumstances and nature of the proposal and the demonstrated need for housing with care at this particular point in time, it is considered

that the proposal for 52 x shared ownership extra care affordable units, to be secured through the Section 106 legal agreement, is acceptable on an exceptional basis when considered against the relevant policy objectives. Staff have taken this approach based on the individual merits of the application including the unique and specific manner in which the current proposal contributes now to the identified need. It does not follow that any other schemes submitted in future which raise similar affordable housing considerations will necessarily qualify for the same approach and/or be acceptable when assessed on their own individual merits.

- 7.23 The proposed affordable housing position is therefore considered to be acceptable in this particular instance and the proposal is considered to be policy compliant in this regard.
- 7.24 Overall therefore, the principle of the development in this location is considered to be 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

- 7.25 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.
- 7.26 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.'*
- 7.27 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 Buildings

- 7.28 The proposal seeks to demolish the care home and chapel in the centre of the site. The existing buildings date from between 1897 and 1930. The main buildings have features typical of this era of architecture but are relatively simple in their design and have an institutional appearance. The chapel in between the main blocks dates from 1875-76 but is much altered. The buildings have no heritage designations. They are not listed buildings or in a conservation area and are not on the Council's local list of historic buildings. Only buildings which are statutorily listed or in a conservation area can be protected from demolition. Historic England have confirmed that none of the buildings are worthy of listing, so there is no reasonable basis for requiring any buildings on the site to be retained. The proposed demolition of the existing buildings is therefore acceptable both in principle and in design terms.
- 7.29 The existing boundary wall, integral gatehouse and bespoke entrance gates on London Road and Brighton Road, which date from the same time as the main building, are all proposed to be retained as part of the proposal with alterations.
- 7.30 The boundary wall to the London Road frontage will be altered to replace approximately 25% of the inset brick panels at the upper level with railings. This will

enable public glimpses into the site of the landscaped gardens and buildings beyond. This will improve the interaction and relationship between the development and the streetscene of London Road which is currently inactive whilst maintaining appropriate privacy for the development. The gates to the front will be retained but will only be used for pedestrian access and access to the gatehouse which falls outside the application site boundary and is unaffected by the proposal. To Brighton Road the entrance gate feature will be partially rebuilt to the same design in association with improved vehicular access to the site. The retention of these historic features will serve as a positive reminder of the history of the site and is a positive aspect of the scheme. Any proposed signage on this wall can be controlled by condition to protect its character and that of the wider streetscene.

Scale, Form and Layout

- 7.31 The area is mixed in character including small scale shops with flats above, large format retail units, large, flatted blocks and a school, so there is no uniform pattern of development in this location. The existing buildings on the site are a significant scale and mass but are set on a large plot and are significantly back from the frontage behind a tall boundary wall. Overall, currently there is a sense of spaciousness within the site itself and an associated general perception of that from the public realm. However, there is a significant lack of any active frontage and aside from the wall itself, the site appears institutional and private so making a limited contribution to the streetscene.
- 7.32 The proposed new buildings are 4 storey with a pitched roof. They are comparable in height to the 3 taller storeys of the existing buildings and set slightly lower than the flatted block to the west (175 London Rd) at the junction of Brighton Road. They are located within the centre of the site on a similar east-west alignment to the existing buildings. They extend closer to the west boundary and are closer together at the upper levels but maintain a clear separation from each other and the site boundaries. The development is arranged as two distinct blocks with a stepped footprint and varied roofline and each has a rear central wing. All these aspects help to reduce their overall massing in the streetscene. The open gardens to the front of the site are proposed to be maintained and will continue to provide softening to the buildings. Overall, it is considered that the scale, form and siting of the proposed development are acceptable in this context.

Detailed Design

- 7.33 The proposed buildings have been designed with significant articulation including regular feature gables with inset balconies, tall windows and brick decoration to help further break up the length of the frontages and the massing of the buildings generally. Two complementary tones of brick are proposed as the main brick and accent brick for each building which are handed on each block to provide improved visual interest and cohesion for the site.
- 7.34 Amendments have been made during the course of the application such that staff now consider the buildings' frontages to be well balanced, cohesive and ordered. Subject to conditions relating to materials and key details, it is considered that the detailed design would have a satisfactory impact on the appearance of the site, the streetscene and character and appearance of the area.
- 7.35 Overall, and subject to conditions, it is considered that the proposal would have an acceptable impact on the character and appearance of the area and is policy compliant in this regard.

Amenity Impacts

7.36 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.

7.37 The proposal is set significantly away from neighbours on all sides. To the south the proposed buildings would be over 55m from the commercial/ residential properties on the south side of London Road. To the east the proposal would be 12.5m from the rear service elevations of the large format retail units. To the west the proposal would be over 24m from the nearest point of the new flatted block 175 London Road on its junction of Brighton Road and to the north the buildings would be at least 22.6m to the boundary with St Helen's School playing fields and a further 47m to the school itself. At these distances, it is considered that the proposal would not have any significant detrimental impact on the amenities of any of the surrounding neighbours and is acceptable and policy compliant in all relevant regards.

Standard of Accommodation

7.38 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 on the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms.

7.39 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.

Table 1 - Minimum gross internal floor areas and storage (m²)					
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		

7.40 The proposal provides a mix of 1 bed 2 person, 2 bed 3 person and 2 bed 4 person self-contained units in each block. All units meet the national technical housing standards. Additional communal facilities are also proposed in each block which includes the homeowners' lounge and circulation space within the Class C3 Block A building and additional facilities within the Class C2 Block B building comprising of a kitchen; lounge/dining room; wellbeing suite; activity room; hair and beauty suite and quiet room as well as staff facilities.

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

Light, Privacy and Outlook

- 7.42 All habitable rooms have good outlook and are not overlooked by neighbours from outside or within the development. In some cases, balconies of adjoining flats are linked and a discreet privacy screen will be required to separate the balcony into two sections. Details of these screens can be agreed by condition.
- 7.43 A Daylight and Sunlight Study carried out in accordance with BRE (Building Research Establishment) methodology has been submitted with the application and concludes that 93% of the rooms achieve the recommended skyline levels and 76% receive the recommended daylighting levels. Where these rooms do not fully comply, the report confirms that the front section of the rooms all meet the standard. In terms of sunlight 70% of rooms meet the required target and the report states that it is the shading from the balconies which obstructs sunlight at some times of the year, however, this needs to be balanced against the benefits of private amenity space for residents. Overall, for a scheme of this scale, the results are considered to be satisfactory and the proposal would therefore provide acceptable levels of light, outlook and privacy and is policy compliant in this regard subject to a condition requiring the privacy screens to be agreed.

Noise and Disturbance

- 7.44 The site faces London Road which is a high traffic route and is near to the service areas of the large retail units to the east of the site. 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.
- 7.45 The noise assessment does not take into consideration the noise potential for the new buildings in terms of any plant that may be required for their communal kitchen or lifts but the Council's Environmental Health service confirm that this can be controlled by a condition. Subject to conditions, the proposal is therefore acceptable and policy compliant in terms of noise and disturbance impacts.

M4(2) and M4(3) – Accessibility

- 7.46 Policy DM8 requires all new dwellings to be accessible and adaptable and to meet Building Regulations M4(2) standards. On major schemes such as this Policy DM8 also requires 10% of the units to be M4(3) wheelchair compatible units. This includes providing disabled parking spaces and a lift to all flats. The plans show that 6 units in Block A and 8 units in Block B are M4(3) compliant and the remainder are M4(2) compliant and this can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Amenity Provision

- 7.47 All the proposed dwellings have a private balcony or terrace and there is also an extensive communal garden. The proposal is acceptable and policy compliant in this regard.

Living Conditions Summary

- 7.48 Overall, subject to the condition noted above regarding privacy screens, 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

- 7.49 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.”*
- 7.50 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.
- 7.51 The parking standard as set out in Appendix 6 of Policy DM15 is a minimum of 1 parking space per unit and 1 cycle space per 8 flats for the retirement apartments and 1 parking space per resident staff and + 1 space per 3 dwelling units and 1 cycle space per 5 staff is required for the assisted living units.
- 7.52 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.”*
- 7.53 A total of 44 parking spaces, including 4 spaces for disabled people, are proposed for Block A which contains 60 retirement flats, 6 of which are wheelchair accessible units (M4(3)). This equates to 0.74 parking spaces for the M4(2) units and 0.67 parking spaces for the M4(3) units. 24 of these spaces including 1 disabled space will have access to active electric vehicle charging points. The remaining spaces will have infrastructure installed for future electric vehicle charging.
- 7.54 A total of 51 parking spaces, including 4 disabled spaces are proposed for Block B which contains 84 assisted living units, 8 of which are wheelchair accessible units. This equates to 0.62 parking spaces for the M4(2) units and 0.5 spaces for the M4(3) units. 10 of these spaces, including 1 disabled space will have active electric vehicle charging points.
- 7.55 Each block has a mobility scooter store within which can also be used for cycle storage. In association with providing residential accommodation, 20 full time equivalent jobs will be created at the site across both buildings. The site plan also includes 2 car parking spaces in the northeast corner of the site for convent cemetery visitors.
- 7.56 The parking area to the rear will be accessed via the existing vehicular access in Brighten Road which is proposed to be widened to improve accessibility into the site. This access will also be suitable for refuse vehicles which will be able to turn within the site.
- 7.57 A Transport Statement has been submitted with the application. This finds that the site is in a highly sustainable location, within walking distance of the town centre shops and amenities, close to frequent public transport links including buses on London Road and within walking distance of train stations, and provision has been made within the development for mobility scooters and cycle storage. It also states that the parking provision on site has been informed by research at the applicant’s other sites in the area which have a similar parking ratio and comparable location on the edge of town centres. In terms of traffic generation the development is predicted to result in an increase of 5 trips in the AM peak and 7 in the PM peak. This is found to have a

negligible impact on the operation of the local road network and the overall parking provision is found to be acceptable for the nature of this development and its locational circumstances.

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

Travel Plan and Travel Information Packs

- 7.59 A proposal of this scale is required to provide a Travel Plan and Travel Information Packs to new residents so that they are made aware of alternative, sustainable travel options. These will be secured via the S106 legal agreement in conjunction with the Council's Sustainable Travel Officer. The proposal is acceptable and policy compliant in this regard.

Refuse and Recycling and Cycle Storage

- 7.60 For developments of over 50 flats the Southend Waste Management Guidance recommends at least 4 x 1100 litre bins for recycling, 6 x 1100 litre bins for general waste plus card and food waste containers as required. A Waste Management Strategy has been submitted with the application which confirms a provision of 9 bins for Block A (4 recycled waste, 3 general waste and 2 food waste) and 13 bins for Block B (4 recycled waste, 6 general waste and 3 food waste). This provision is based on the requirements at the applicant's other developments. Collections will be arranged as required. The submission also demonstrates that a refuse vehicle can access and turn within the site. This is considered to be acceptable and the proposal is policy compliant in this regard.

Air Quality

- 7.61 An Air Quality Assessment has been submitted with the application. This concludes that there is potential for air quality impacts during the construction phase as a result of dust emissions however these can be mitigated through dust control measures. These will be agreed via the construction management plan. Otherwise, the air quality impacts of the development were predicted to be not significant. The proposal is acceptable and policy compliant in this regard.

Construction Management Plan

- 7.62 The proposal will involve significant demolition and redevelopment. It is therefore reasonable to require a construction management plan to be submitted to this LPA and agreed prior to the commencement of the works. This can be required by condition.

Traffic and Transportation Summary

- 7.63 Overall, the proposal is therefore acceptable and policy compliant in terms of Traffic and Transportation impacts 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 buildings is 620,030.55 kWh/yr of which at least 62,003.06 kWh/yr will be provided by PVs on the roof of the buildings (equivalent to a 68.90 kWp system). A mechanical ventilation heat recovery system is also proposed to recycle waste heat back into the building and water efficient fittings will be installed. 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.

Sustainability Summary

- 7.67 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regard to sustainable development and drainage.

Ecology, Biodiversity and Landscaping and Trees

- 7.68 Core Strategy Policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.

- 7.69 An Ecology Report has been submitted with the application which confirms that the site has no special ecological habitats that would require protection. The presence of legally protected species, including bats and birds was also considered.

- 7.70 In relation to bats, the survey recommended that, due to the potential for roosting bats within parts of the building a bat survey should be undertaken and 8 bat boxes should be installed. This more detailed bat survey has also been submitted and states:

‘No bats were recorded emerging from the building during the dusk survey visit and although very low numbers of common pipistrelle (Pipistrellus pipistrellus) and noctule (Nyctalus noctula) bat calls were recorded, these related to commuting/foraging bats from within the local area, which were only intermittently associated with the site. It is therefore considered that this proves that bats do not roost within the building and as a result, should not be affected by the proposals.’

- 7.71 In relation to breeding birds, the survey recommends a number of mitigation measures to ensure that they are not detrimentally impacted by the development including supervision of demolition by an ecologist and the installation of 4 new bird boxes, which can be secured via condition.

- 7.72 In terms of biodiversity, the gardens to the front of the site are proposed to be retained and refurbished and a condition will be imposed to ensure that these works make a positive contribution to local biodiversity. The ecology strategy recommends that 70%

of new planting should be native wildlife friendly species and this can be secured by condition.

- 7.73 Most of the trees in this area will be retained, including the large bay trees in the front garden which are significant specimens. 22 of the 50 trees on the site are proposed for removal mostly in the centre and west of the site which will be lost to facilitate the development. The Council's Arboricultural Officer comments that these are generally low category trees or trees which have been heavily pollarded which has impacted on their form and future retention. At least 44 replacement trees will be agreed as part of the landscaping scheme. Tree protection measures for the remaining trees will also be conditioned.
- 7.74 The developer has also agreed in principle to providing some soft landscaping in the public realm to the front of the site on London Road. This will occur within the build out areas in front of the gates which will be converted to pedestrian use and gatehouse access only. This planting will be installed by the Council at the cost of the developer. The developer has also agreed to pay a commuted sum to cover maintenance for 20 years. The financial cost of this has been estimated as £63,000 which will be secured via the S106 agreement. These public realm works will be a public benefit to be weighed in the planning balance.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 7.75 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 for each retirement unit plus one additional payment for the extra care block as residents of this block are less likely to be so active and make regular visits to the foreshore. 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.

Ecology Summary

- 7.76 Overall, subject to a condition requiring the mitigation measures set out in the ecology statement to be implemented, full landscaping details, tree protection and replacement and the RAMS contribution to be secured, the proposal is acceptable and policy compliant in terms of ecology in all relevant regards.

Land Contamination

- 7.77 The Site Investigation report submitted with the application has found that there is a low risk from land contamination due to the site's history and the survey work undertaken at the site. However it does recommend that further survey work is undertaken within the footprint of the building. It also notes that there was a saw pit and smithy in the southeast corner of the site and soil analysis in this location has revealed higher levels of lead. The Council's Environmental Health service recommend that further soil investigation is conditioned. Subject to this, the proposal is considered to be acceptable and policy compliant in this regard.

Archaeology

- 7.78 An Archaeological Desk Based Assessment has been submitted with the application. This states that *'The available evidence indicates that the site has been occupied from at least the 13th century. The manor house of Milton Hall was located on the site from this time, being rebuilt in the early 14th century. Map regression indicates the development of the hall and its immediate grounds from 1595 until its demolition in 1900 as part of renovation works at Nazareth House. Overall, the study site can be considered to have a high archaeological potential for Medieval to Modern remains, a moderate potential for Saxon remains, a low to moderate potential for Palaeolithic remains and a low potential for all other past periods of human activity within the site.'* The construction of the existing buildings in the same location as the hall is likely to have disturbed the ground in this location. The report concludes that any finds would likely only be of a low/local to medium/regional significance.
- 7.79 The Council's Archaeology Officer considers that a Written Scheme of Investigation and Watching Brief should be conditioned due to the high archaeological potential for Medieval remains and moderate potential for Saxon remains. The proposal is considered to be acceptable and policy compliant in this regard subject to this condition.

Planning Obligations

- 7.80 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."*
- 7.81 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.'*
- 7.82 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.'*
- 7.83 Core Strategy Policy 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.”

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

- Affordable Housing - 52 x Use Class C2 assisted living shared ownership units on site. (see paragraphs 7.17-7.24 above)
- Sustainable Travel - The provision of a Travel Plan and Travel Information Packs for residents and Travel Plan Monitoring (see paragraph 7.59 above).
- £8,400.31 (61 x £137.71) towards biodiversity mitigation, management, protection or education (RAMS) (see paragraph 7.75 above)
- Landscaping within the public realm of London Road directly to the south of the site, costed at £5200 plus ground preparation costs, and a financial contribution to cover the future maintenance of this landscaping for 20 years up to a maximum of £56,000 (estimated to be £63,000 in total) (see paragraph 7.74 above).
- Standard S106 Monitoring Fee.

NHS Contribution

7.85 The NHS requested a financial contribution of £54,600 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.

7.86 The agent has responded to this, setting out a range of factors why they do not consider the contribution requested by the NHS to be justified including in terms of the relevant Regulations. In any event and as confirmed by the Council's Supplementary Planning Document: Planning Obligations, funding for potential primary healthcare care is addressed through the Council's Community Infrastructure Levy (CIL), which will be secured here in any event, rather than planning obligations.

7.87 The contributions noted in paragraph 7.84 above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development would 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)

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 1250sqm, which may equate to a CIL charge of approximately £342,001.54 (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. This figure also does not take into account the deductions for secured affordable housing or charitable status.

Equality and Diversity Issues

7.88 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

7.89 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 that type of development. This proposal would provide 60 new retirement dwellings and 84 new assisted living units 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.

7.90 The applicant has also highlighted a range of what they consider to be public benefits of the proposal. Of the matters raised in those comments, staff consider the following to be the proposal's key public benefits:

Economic benefits

- As a housing development of scale, this proposal will contribute to the local and wider economy including direct and indirect job creation.
- Residents of the new development will have opportunity to contribute towards the local economy within the vicinity of the site by using local facilities, services, transport, shopping, and cultural opportunities.
- Revitalising the housing market through the provision of retirement accommodation can release under occupied family housing so releasing equity and helping to free up the housing stock.
- Purpose built accommodation, designed to meet older residents needs and the community support created in these developments, can lead to savings to the NHS and social care system through reduced hospital time, as purpose-built housing for older people can better cater for an older person during recovery plus residents may be less likely to have falls resulting in fractures, injuries and inpatient bed stays.

Social benefits

- Social benefits through the provision of open market and affordable specialist accommodation for older people, giving older people care and housing choices to help maintain their independence whilst having the opportunity to interact with others which may help combat loneliness so responding positively to the Housing Needs Assessment.
- The proposal will help to reinforce social cohesion in the local community by retaining some family connections and allowing access to new accommodation.
- The location of the site facilitates the ability for future residents to live near the town centre in a high-quality built environment.

Environmental benefits

- The proposed development re-uses a previously developed site within the Central Area of the City.
- The development will provide actual and comparative environmental benefits in terms of energy efficiency and carbon emission reductions.
- The proposal includes quality landscaping, and retention and protection of mature trees which make a positive contribution to the site and altering boundary treatment such that these features are more visible from the public domain. Parts of the London Road streetscape in front of the site will be softened with landscaping.
- The proximity of the site to the town centre means residents have an opportunity to walk to access services, amenities, and facilities with reduced need for future residents to travel by private means, in turn reducing associated fuel emissions.

Conclusion

- 7.91 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions and completion of the Section 106 legal agreement, 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 new use is acceptable including in heritage terms. The proposed design, and scale of the development would have an acceptable impact on the site, streetscene and wider area. Subject to conditions the proposal would 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 highway safety impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability and ecology.
- 7.92 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 Section 106 legal agreement and conditions. In this particular case, the proposal for the 52 x 2 bed shared ownership assisted living units as the secured affordable housing provision for the site has been found to be justified on its individual merits in terms of the specific nature of this development and how it addresses identified need at this particular point in time and on that basis is considered to be acceptable on an exceptional basis.
- 7.93 Should Members identify any harm associated with the proposal, then firstly it will be appropriate to consider, and weigh in the balance as appropriate, the comparative impacts resulting from the existing built form on the site. Secondly, any identified harm will need to be balanced against the public benefits of the proposal. This proposal creates new housing, so, when assessing any 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. 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:

- **Affordable Housing - 52 x Use Class C2 assisted living shared ownership units on site.**
- **Sustainable Travel - The provision of a Travel Plan and Travel Information Packs for residents and Travel Plan Monitoring.**
- **£8,400.31 (61 x £137.71) towards biodiversity mitigation, management, protection or education (RAMS).**
- **Landscaping within the public realm of London Road directly to the south of the site, costed at £5200 plus ground preparation costs, and a financial contribution to cover the future maintenance of this landscaping for 20 years up to a maximum of £56,000 (estimated to be £63,000 in total).**
- **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 no 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-2794-3-AC-0002 A, LSE-2794-3-AC-0010 A (Showing EV charging points), LSE-2794-3-AC-1000 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-1002 A, LSE-2794-3-A, -1003 B, LSE-2794-3-AC-1004 B, LSE-2794-3-AC-1010 B, LSE-2794-3-AC-1011 B, LSE-2794-3-AC-1012 B, LSE-2794-3-AC-1013 B, LSE-2794-3-AC-1014 B, LSE-2794-3-AC-1015 B, LSE-2794-3-AC-1016 B, LSE-2794-3-AC-1017 B, LSE-2794-3-AC-1018 B, LSE-2794-3-AC-1019 B, LSE-2794-3-AC-2000-B, LSE-2794-3-AC-2010-B, LSE-2794-3-AC-2012 B, LSE-2794-3-AC-1001 A, LSE-2794-3-AC-2011 C, LSE-2794-3-AC-3000 A, LSE-2794-3-AC-4000-A, LSE-2794-3-AC-4001-A.

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 brick decoration and accents, roof, including slope, ridge and flat roof areas, balconies, including balustrade, floor, underside, gable edge detail, eaves, fascias and soffits, windows and doors, including sills, dormers, entrance porches and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full 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) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the 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 frame and balcony details, window reveals (all windows) and inset window panel detailing (kitchen windows) 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 full accordance with the approved details before it is brought into first use. The cross section of the inset feature framing shall be a maximum of 350mm as shown on plan references LSE-2794-3-AC-4000-A and LSE-2794-3-AC-4001-A.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

05 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 a method statement including details and specifications for alterations to the boundary wall as detailed in plan LSE-2794-3-AC-3000 A including the replacement of inset brick panels with railings, making good and/ or treatment of associated exposed areas of the boundary wall piers and any alterations to the existing access gates including the conversion to pedestrian gates, associated making good of brick piers and associated wall fabric and alterations to the vehicle access arrangements has been submitted to and approved in writing by the Local Planning Authority. All three sets of decorative gates shall be retained as part of the site entrance proposals. The approved boundary alterations shall be carried out and completed prior to the first occupation of the development hereby approved and retained for the lifetime of the development thereafter.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice

contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 06 No external lighting shall be installed on any elevations of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: A condition is justified to ensure any protected species and habitats utilising the site are adequately protected in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.

- 07 The finished levels at the site shall be as set out on plan reference LSE-2794-03-DE-102 before the development is first occupied.

Reason: A condition is required 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).

- 08 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. Details of means of enclosure, of the site including any gates or boundary walls and fencing in addition to that required by condition 05.
- ii. Hard surfacing materials for communal amenity and parking areas.
- iii. 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 at least 44 replacement trees and 70% native biodiversity friendly planting.
- iv. Details of any associated structures such as seating, raised planters, and other landscaping features).
- v. Management plan for landscaping at the site.

Reason: In the interests of the visual amenity of the area and the amenities of its 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).

- 09 The tree and tree root protection measures as set out in the Tree Survey and Impact Assessment by Keen Consultants reference 1754-KC-XX-YTREE-Rev 0 dated April 2022 and associated tree protection plan reference 1754-KC-XX-YTREE-TPP01RevB Tree Protection Plan shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 10 The 95 car parking spaces, including 8 disabled spaces, plus the 2 additional spaces for cemetery visitors and the associated amended vehicular accesses for these spaces to access the public highway at the site as shown on approved plan LSE-2794-3-AC-0010 A (Site Layout showing parking and electric vehicle charging) 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 accesses 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. As shown on this approved plan 24 car parking spaces including at least 1 disabled space for Block A and 10 car parking spaces including at least 1 disabled space for Block B shall have access to an electric vehicle charging point. The remainder of the spaces shall have the infrastructure for electric vehicle charging.**

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 the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 11 The development hereby approved shall not be occupied unless and until space for at least 8 secure, covered cycle parking spaces to serve the residential development and its visitors has been provided within the buggy store shown on drawing LSE-2794-3-AC-1000 B and 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-2794-3-AC-1010 B, or in such other on site location alternatively agreed in writing by the Local Planning Authority under the terms 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 Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 12 The development hereby approved shall not be occupied unless and until the refuse stores to serve the development as shown on drawings LSE-2794-3-AC-1000 B and LSE-2794-3-AC-1010 B have been provided at the site in full accordance with the approved plans and Waste Management Plan reference LSE-02794-03-AC-WMP 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).

- 13 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 April 2022 including the installation of 68.90 kWp 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) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 14 Prior to the first 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 the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 15 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 6 of the units in Block A and 8 of the units in Block B in the development hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 130 units 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 the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 16 The development hereby approved shall be carried out in full accordance with the noise mitigation measures set out in Section 5 of the Noise Impact Assessment reference R9195-1 Rev 2 dated 17.05.22 to ensure that the internal noise levels in habitable rooms within the approved development are in accordance with the ProPG guidance and British Standards BS4142. These mitigation measures shall be implemented prior to the first occupation of the development hereby approved 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 the retail units on London Road to the east of the site would not be detrimental to the living conditions of the 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).

- 17 Prior to first occupation of the development hereby approved a Noise Impact Assessment shall be conducted by a competent person to assess the impact on future residents' living conditions resulting from the potential impact of noise from plant and equipment within the development including extract ventilation when operating at its maximum speed and output and any other noise emitting equipment such as elevators, including service elevators, air conditioning units and condensers, automatically opening doors and service entrances and barriers. The noise from the plant and equipment shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90,15minutes at the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, that are liable to cause the noise to be a nuisance.

Background noise levels shall be established for the following periods:

- o Daytime 0700 to 1900
- o Evening 1900 to 2300
- o Night 2300 to 0700

In order to establish background noise level a representative survey shall be undertaken in accordance with British Standards BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the nearest residential properties so that noise will not cause a statutory nuisance. This shall be undertaken by a suitably competent person.

Details of how noise impact and vibration will be attenuated together with a maintenance schedule for the future operation of any kitchen equipment must be submitted to and approved in writing by the local planning authority under the terms of this condition. Heating and ventilation shall be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The development hereby permitted shall not take place other than in accordance with these approved details.

The final noise mitigation scheme shall be operated and maintained thereafter.

Reason: To protect the amenities of future occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) Policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Southend - on-Sea Design and Townscape Guide (2009).

18 A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of

any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

B. Site Remediation Scheme

The development hereby permitted shall not commence unless and until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been fully implemented at the site. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

Reason: This pre-commencement condition is required to ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

19 Notwithstanding the details as shown on plan references LSE-2794-03-DE-109 Existing Drainage Area LSE-2794-03-DE-100 Proposed Drainage Area Plan LSE-2794-03-DE-101 Proposed Drainage Plan and as shown on the plans otherwise submitted and otherwise hereby approved, no drainage works shall be constructed at the site until and unless the following information has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the terms of this condition:

- confirmation of an agreement in principle from Anglian Water regarding the surface water connection point and maximum flow rate.

The drainage strategy and SuDS details shall be implemented in full accordance with the details as submitted and 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), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

20 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 hoardings.
- 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.

- 21** 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 Public 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).

- 22** The proposed site clearance and construction works for the development hereby approved shall be carried out in full accordance with the recommendations set out in Section 5.3 of the Preliminary Ecological Appraisal by Greenlink Ecology Ltd dated 19.05.22 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 and Development Management Document (2015) Policies DM1, DM2 and DM3.

- 23** 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).

- 24** Notwithstanding the information submitted with the application, no development other than demolition above ground level, shall be undertaken, unless and until a written scheme of investigation including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the Local Planning Authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the Local Planning Authority before the development is brought into first use.

Reason: Required to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021) and Policy DM5 of the Development Management Document (2015).

- 25 Notwithstanding the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) no signage for the development hereby permitted shall be displayed on the site boundary walls facing London Road or Brighton Road unless full details of its position, design and specifications including any means of illumination have first been submitted to and approved in writing by the Local Planning Authority.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (SCAAP) (2018) Policy PA8 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 26 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, none of the units hereby granted consent shall be occupied unless and until the details and specifications for the privacy screens for all linked balconies and terraces have been submitted to and approved in writing by the Local Planning Authority. The screens shall be retained for the lifetime of the development in accordance with the approved details.**

Reason: To protect the privacy and environment of residents within the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

C) In the event that the planning obligation referred to in part (a) above has not been completed before 3rd March 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 or the public realm landscaping improvements 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** The applicant is advised to contact the Council's highways service in regard to the alterations to the existing vehicular access from Brighten Road.