

Reference:	23/00826/AMDT	
Application Type:	Material Amendment	
Ward:	West Leigh	
Proposal:	Application to vary condition of 02 (Approved Plans) - addition of a basement and associated external staircase and small lightwells to planning permission 22/00601/FULM - demolish existing Building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle Stores to rear, and lay out parking at rear (Amended Proposal) dated 14/10/2022	
Address:	Memory House, 6 - 9 Marine Parade, Leigh-on-Sea, Essex, SS9 2NA	
Applicant:	Mr Tom Sanders	
Agent:	Mr Stewart Rowe of The Planning and Design Bureau Ltd	
Consultation Expiry:	29.06.2023	
Expiry Date:	15.09.2023	
Case Officer:	Oliver Hart	
Plan Nos:	<u>Proposed Plans:</u> WD05 REV D; PA01 REV B; PA01S; PA15B; WD05S <u>Previously Approved Plans:</u> 001 Rev H; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; PA04 Rev A; PA05 Rev A; PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA Rev A <u>Existing plans:</u> MH01, MH012, 011 Rev A	
Supporting Documents:	Planning Statement dated April 2023 (V.3); Structural Engineers Report REV A by KMcD (titled Foundation Design & Excavations, dated July 2023, referenced 1580)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is on the northern side of Marine Parade, near to its junction with Hadleigh Road, Grange Road, Rectory Grove and Belton Way East, and was occupied by a care home (Use Class C2) building.
- 1.2 The site has frontages onto both Marine Parade and Hadleigh Road. Its frontage on Hadleigh Road accommodates the vehicular access to the site and the associated parking area.
- 1.3 The building which had a 90sqm basement has been demolished under the terms of a previous permission. It was two full storeys with a third storey accommodated within its roof space. It appeared to have been constructed as a singular block and as such it was an anomaly in the streetscene which is generally characterised by two-storey detached family housing.
- 1.4 Neighbouring properties maintain a relative consistent building line and comprise generally good quality properties with high levels of articulation and good detailing which create an attractive streetscene. There is a variety of design between the properties however this forms part of the overall character, with gables and bays being common features to the frontage. Feature balconies reflecting the seaside location are prevalent features that add depth and interest to nearby frontages.
- 1.5 There are some commercial uses on Rectory Grove and the area is designated as Secondary Shopping Frontage. To the south-east is the Leigh Conservation Area. To the south is public open space designated as Green Belt, Protected Green Space, Local Nature Reserve and Local Wildlife Site which offers open and unrestricted views towards the Thames Estuary. The area and the site are part of the Seafront and Character Zone 1 as designated by Policy DM6 of the Development Management Document.

2 The Proposal

- 2.1 Planning permission was granted in 2022 under reference 22/00601/FULM (the "2022 Permission") to "*Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle stores to rear, and lay out parking at rear*". The officer's report for the 2022 Permission is appended to this report as Appendix 1.

- 2.2 The approved building would have a rough offset “T”-shaped layout a maximum 49m wide by 39m deep (inclusive of feature bays to the front) with a crown pitch roof approx. 11.7m in maximum height. The frontage of the building would be articulated with gabled projections, dormers and recessed elements, large-glazed sections and Juliette balconies. Planting was incorporated across the site, inclusive of additional tree planting along the Hadleigh Road frontage.
- 2.3 The current proposal seeks to vary condition 02 of the 2022 Permission so that the approved plans would include a basement level together with an associated external staircase and small lightwells to the permitted building. The basement would be incorporated under the approved development’s rear (northward) projecting wing. No other changes/alterations are proposed. The external staircase proposed would be behind the main block fronting Marine Parade and would be finished with associated wrought iron balustrading. Two lightwell areas are proposed to be sunken into the patio area proposed to the rear garden area.
- 2.4. The basement level would be approx.200sqm in area and used for ancillary services to be provided at the care home, including kitchen facilities, laundry/washing rooms, boiler and plant stores and as general storage.

3 Relevant Planning History

- 3.1 23/00973/AD - Application for approval of details pursuant to conditions 03 (details of materials), 04 (details of soft landscaping), 05 (landscape management plan), 06 (arboricultural method statement and tree protection plan), 07 (details of hard landscaping), 08 (details of 10% renewable energy), 11 (details of refuse and recycling facilities), 12 (details of secure cycle storage), 18 (noise impact assessment) and 22 (service and delivery management plan) of planning permission 22/00601/FULM dated 14.10.2022 - Details Approved
- 3.2 23/00732/AD - Application for approval of details pursuant to condition 14 (construction method statement) of planning permission 22/000601/FULM dated 14.10.2022 - Details Approved
- 3.3 22/00601/FULM (the “2022 Permission”) - Demolish existing Building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle Stores to rear, and lay out parking at rear (Amended Proposal) - Granted

4 Representation Summary

Public Consultation

- 4.1 Nineteen neighbours were notified, a site notice displayed and a press notice published. Representations from forty-eight (48) interested parties have been received. The objecting points are summarised below:
- A basement was proposed on a previous application at the site which was withdrawn and therefore should not be allowed to be added back in
[Officer Comment: A basement was included in a previously withdrawn application however officers at the time raised no objections to the scheme on this basis and the Local Planning Authority has made no previous decision on a basement.]
 - Concerns for structural damage to neighbouring properties.
 - Ground subsidence and land instability concerns.
[[Officer Comment: The application is supported by an engineering statement to clarify the impact of the basement.]

- Proposal represents overdevelopment of the site.
- Lack of consultation with residents from developer.
- Noise and disturbance concerns from construction activities.
- There should be a local plan policy restricting the size of basement developments.
- Potential adverse impact on the water environment including drainage, run-off and ground permeability.

[Officer Comments]: The concerns in the above representations are noted and where they refer to material planning considerations they have been taken into account in the assessment of the application. They have not been found to represent reasons justifying refusal of planning permission on those grounds in the circumstances of this case.

Leigh Town Council

- 4.2 Objection raised to the scheme. The addition of the basement will be detrimental to neighbouring properties and the Belton Hill cliffs which is an area of ground movement. The excavation of tons of material will undermine this area as well as the weight of vehicles transporting materials off site along Marine Parade. The application is overdevelopment and it certainly does not respond positively to local character.

Highways

- 4.3 No objection.

Lead Local Flood Authority

- 4.4 No objection subject to a condition for additional information relating to:

- Updated drainage plans, including ones showing the internal cavity drain system
- Updated storm simulation models as quoted for the above updated drainage system
- Updated details surrounding the maintenance of all drainage features given these are changing from the previously submitted plans

Environmental Health

- 4.5 No objection subject to conditions recommended relating to submission of noise impact assessment, refuse/recycling and exterior lighting details.

[Officer Comment: An approval of details application was submitted for the noise impact assessment and refuse/recycling details and the relevant details have been approved.]

London Southend Airport (LSA)

No objection subject to conditions- No part of the proposed development must be taller than the adjacent properties. If taller, a third-party assessment, at the developer's cost, will be required to ascertain if there is an impact.

[Officer Comment: Condition 19 of the 2022 permission relates to the need for a third-party assessment to satisfy London Southend Airports concerns. The same condition is suggested to be imposed again.]

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 Core Strategy (2007): Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision) and CP6 (Community Infrastructure).

- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The proposal would result in the provision of a basement under the replacement 50-bed care home permitted with the 2022 Permission. The new or changed material planning considerations in relation to this application are therefore considered to be the principle of development, the design and character impacts, the residential amenity impacts, drainage, waste and highways implications of the development and CIL. Future occupier amenity, sustainability impacts, ecology and RAMS liability were previously assessed and found to be acceptable, and these impacts are unchanged as a result of the proposed amendment. A Construction Method Statement required by condition 14 of the 2022 Permission has been agreed.
- 6.2 Whilst this report focuses on the areas which have changed, the submitted planning application is for the whole scheme and has been assessed as such. The 2022 Permission has been implemented, remains extant and the committed scheme is an important material consideration for the determination of this application.

7 Appraisal

Principle of Development

- 7.1. The principle of the development was found acceptable under the 2022 Permission. There have been no substantive changes to policy or guidance since the 2022 Permission was granted which are relevant to this proposal. The determining material planning considerations are discussed below.
- 7.2. The proposed changes, which relate solely to the provision of a basement to be used for ancillary facilities for the care home's day to day operations and associated external stair and lightwells relate to the same application site and same description of overall development. The proposal is therefore considered to fall within the remit of Section 73.

Design and Impact on the Character of the Area including Leigh Conservation Area

- 7.3 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.

- 7.4 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 7.5 Leigh Conservation Area is located some 80m to the south-east of the site. Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Similarly, Policy DM5 of the Development Management Document states that the Council has a statutory duty to preserve or enhance the character and appearance of conservation areas.
- 7.6 The site is also within Seafront Character Zone (SCZ) 1 according to Policy DM6 of the Development Management Document. One of the stipulations for this SCZ is to retain the character and building height and type along Marine Parade.
- 7.7 The nature of a basement at subterranean level is such that it would have no visibility from the public realm and consequently would have no visible character impacts. The proposed external stair to the rear would run between the site's ground level and the basement level representing a modest structure, enabling access directly into the development's rear terrace area and framed by balustrading. Its sunken position and way it would be shielded by the development's built form, including in views from Hadleigh Road to the north, is such that it would have no visibility from the public realm so would have no material impacts on visual amenity or character. No objections are raised to the lightwells given their position to the rear and absence of any public views.
- 7.8 Other aspects of the proposed development were considered and found to be acceptable in design terms when the 2022 Permission was granted. On this basis, the proposed development is considered to be acceptable and policy compliant in the above regards. The proposal would also preserve the significance of Leigh Conservation Area.

Impact on Residential Amenity

- 7.9 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.
- 7.10 The impact of the proposal on the residential amenity of neighbours was previously found to be acceptable when the 2022 Permission was granted. The nature of the proposed amendment to include a basement, stairwell and lightwells is such that these additions would have no significantly harmful impact on neighbour amenity having regard to loss of light, outlook or undue sense of enclosure impacts.

- 7.11. Neighbour concerns have been raised about the impact of construction of the basement on land stability and neighbouring foundations. The applicant states that due to the ground level falling towards the north by 1.5m, the amount of excavation is considerably less than would ordinarily be required. The applicant also states that because of the falling ground level, the existence of trees (root impact), and the shrinkable nature of the clay subsoil, it is necessary to excavate a foundation for the approved building to the same depth as that proposed for the basement. Therefore, the depth of excavation and proximity of this to the boundary will not change regardless of whether a basement was to be provided or not.
- 7.12 The application is supported by a Structural Engineers Report (Rev A) by KMcD, consulting structural engineers and chartered members of the Institution for Structural Engineers. The report is a later revision, post consultation, which removes reference to the necessity for temporary sheet piling being required to support the ground whilst the basement is excavated as the ground conditions are favourable for excavation without requiring it. The Structural Engineers Report concludes that the methodology proposed would ensure there is no material risk of ground instability leading to any effects on neighbouring buildings, or causing ground slippage.
- 7.13 Subject to a condition requiring the development be carried out in accordance with the Structural Engineers Report (Rev A) by KMcD, the proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Flooding and Drainage

- 7.14 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.15 The proposed development involves the installation of a 200sqm basement area which has the potential for changes to flood risk and drainage. Detailed information has been provided by the applicant to address this matter. In more detail, the applicant stated that in consultation with Anglian Water they have been working towards designing a system that in storm simulation models for 1 in 2, 1 in 30 (+40% for Climate Change) and 1 in 100 (+40% Climate Change) will be completed to ensure surface water does not surcharge or flood back through the storm drainage network. The external areas at the basement level (light-well and access steps) will have 'Aco' drains installed at the lower (basement) level. These drains will connect via gravity (deep manholes) to the lower side of the building. A full tanking system would be installed to the basement which would include a waterproof membrane, and an internal cavity drain system.
- 7.16 No objections are raised by the LLFA subject to a condition requiring submission of additional information relating to updated drainage plans, including ones showing the internal cavity drain system, updated storm simulation models (as quoted for the above updated drainage system) and updated details surrounding the maintenance of all drainage features given these are changing from the previously submitted plans. Such a condition requiring the details of the drainage system to be agreed can be imposed and is suggested in the relevant section of this report.
- 7.17 On this basis and subject to receipt of the above information, the development would be acceptable and policy compliant in these regards.

Waste Management

- 7.18 Waste storage details including the size, scale and siting were previously provided with the 2022 Permission. This was for a waste store to the north of the site measuring 4.8m deep, 4.05m wide and 3m in maximum height (2.1m high to eaves). The store was shown as being finished externally in timber boarding.
- 7.19 It was previously found that the provision and form of waste storage would provide an acceptable solution which does not result in a dominant presence of bins in front of or integral to the façade of the building. A condition was imposed for details of the number of Eurobins that can be stored and the collection arrangements. These details were recently submitted to and approved in writing by the Local Planning Authority. The approved arrangements are unchanged in this submission.
- 7.20 Whilst the total floor area is increased as a result of the proposed basement, the total number of rooms and future employees remains unchanged. Therefore, subject to the suggested conditions, the proposed bin storage and management arrangements remain policy compliant and acceptable as previously found when the 2022 Permission was granted.

Highways

- 7.21 The 2022 Permission was granted with 17No car parking spaces which would be accessed from Hadleigh Road and which represented an increase in the number of parking spaces to be provided (+5No). This number included 2No disabled parking bays as well as a policy compliant percentage of active and passive electric vehicle charging infrastructure. The 2022 Permission also included a policy compliant provision of 8 cycle parking spaces. Whilst the floorspace created as a result of the proposal would be increased compared with the 2022 Permission, the required car and cycle parking provision would remain the same.
- 7.22 Refuse collection historically has been undertaken directly from Marine Parade at the southwest corner of the site and this is not anticipated to change as a result of the proposal. Servicing of the site was also to take place from the Hadleigh Road parking forecourt which was previously considered acceptable and remains unchanged in this proposal.
- 7.23 A condition was imposed through the 2022 Permission for a service and delivery management plan with details to be submitted and agreed by the Local Planning Authority. These details have been approved with the recent application and a condition is suggested to secure the implementation of the approved details.
- 7.24 Whilst the total floor area is increased as a result of the proposed basement, the total number of rooms and employees remains unchanged. Therefore, subject to the suggested conditions, the proposal would have an acceptable impact on highways and would remain policy compliant and acceptable as previously found when the 2022 Permission was granted.

Equality and Diversity

- 7.25 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. The provision of an accessible and adaptable development is a positive aspect of the proposal in this regard.

Community Infrastructure Levy (CIL)

- 7.26 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 net gain in internal floor area of approximately 3120sqm, which may equate to a CIL charge of approximately £42,600 subject to confirmation.

Conclusion

- 7.27 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. The original scheme approved with the 2022 Permission was previously found to be acceptable in all relevant regards subject to conditions. As there are no other material planning considerations which would justify reaching a different conclusion for this amended proposal, it is recommended that planning permission is granted subject to conditions. The new and altered elements, notably the extended basement area and stairwell are also considered to be acceptable.

8 Recommendation

8.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev H; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev D; WD05S; PA01 Rev B; PA01S; PA02 Rev A; PA03 Rev A; PA04A; PA05A; PA04 Rev A; PA05 Rev A; PA06; PA07 Rev A; PA08; PA09; PA15B; 205390/AT/A01 Rev D; 9628-D-AIA Rev A.**

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

- 02 The development hereby approved shall be constructed in accordance with the materials details of which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.**

Reason: To safeguard the character and appearance of the surrounding area in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 03 Prior to first occupation of the development hereby approved, soft landscaping including planting and maintenance arrangements shall be carried out on site and incorporated in the development hereby approved in full accordance with the details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 04 The development hereby approved shall be provided in full accordance with the landscape management details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.**

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 05 All works on site shall cease and no further works shall take place on site unless and until the tree protection measures approved under the approval of details application reference 23/0973/AD have been implemented at the site. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.**

Reason: This condition is needed to safeguard the character and appearance of the surrounding area in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06 Prior to the first occupation of the development hereby approved, hard landscaping shall be carried out and incorporated in the development in full accordance with the details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The approved hard landscaping works shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 07 The development hereby approved shall be provided in full accordance with the Energy Statement which was approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The approved**

energy strategy detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 09 Prior to the first use or occupation of the development, 17 parking spaces shall be provided at the site in full accordance with plan number 'WD05 Rev D' and at least 4 spaces shall be provided with active electric vehicle charging infrastructure with the rest of the spaces being fitted with passive electric vehicle charging infrastructure. The approved parking facilities and active electric vehicle charging infrastructure shall be retained thereafter in perpetuity only for the use of the occupiers, staff and visitors to the site.

Reason: To ensure that adequate vehicular parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 10 The development hereby approved shall be provided in full accordance with the waste storage and waste management details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The refuse and recycling facilities shall be provided and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter. Waste management and servicing of the development shall only take place in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 11 The development hereby approved shall be provided in full accordance with the cycle storage details which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The secure cycle storage shall be provided at the site and made available for the use of staff and residents or their visitors in accordance with the agreed details prior to first occupation of the development. The cycle storage shall be maintained as approved for the lifetime of the development.

Reason: In the interests of accessibility and visual amenity further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 12 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a specialist residential care home for up to 50 residents within the client group identified in the application form, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any act amending or re-enacting that Order, or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any act amending or re-enacting that Order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

- 13 The development shall be carried out in full accordance with the mitigation measures outlined in the Construction Management Plan Rev A which was approved under approval of details application reference 23/00359/AD.

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 14 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 15 Notwithstanding the details submitted with the application and otherwise hereby approved, no drainage infrastructure associated with the development hereby approved shall be installed at the site until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to

and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details shall have regard to the following:

- 1) An updated drainage plan must be provided showing the site drainage, connections to existing drainage systems including ones showing the internal cavity drain system and details of how these connections will be made. This must also show all SuDS and attenuation features;
- 2) An agreement in principle from Anglian Water must be provided confirming agreement of the new connection type, location and discharge rate;
- 3) The updated storm simulation models as quoted for the above updated drainage system;
- 4) Updated details surrounding the maintenance of all drainage features given these are changing from the previously submitted plans.

The development shall only be implemented in accordance with the details approved under the terms of this condition. The approved drainage works shall be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2021) and Core Strategy (2007) Policies KP1 and KP2.

- 16 Details of the biodiversity enhancement measures outlined in the findings, recommendations and conclusions of the Phase 1 and 2 Bat and Nesting Bird survey undertaken by Ridgeway Ecology Ltd dated 02.09.2020 shall be incorporated in full prior to first use of the development hereby approved and maintained for the lifetime of the development.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 17 The development must be implemented in full accordance with the noise mitigation measures identified and other details which were approved under the approval of details application reference 23/0973/AD or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. These measures must be implemented before the development is first occupied and must thereafter be maintained as such in perpetuity.

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 18 Prior to first occupation of the development hereby approved, the first-floor side windows serving the stairwell to the north-eastern most part of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window, and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

- 19 As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.**

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

No externally mounted plant or equipment shall be installed on the development hereby permitted until and unless details of its location, design and specification have been submitted to and approved in writing by the Local Planning Authority. Such plant or equipment shall be installed, operated and maintained for the lifetime of the development solely in accordance with the agreed details.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 20 The development must be implemented in full accordance with the service and delivery management plan details of which were approved under the approval of details application reference 23/0973/AD, or any other alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied. The service and delivery management plan shall be implemented in full from the first use of the development hereby approved and adhered to at all times thereafter in perpetuity.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM4 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021) and the Southend-on-sea Design and Townscape Guide (2009).

The foundations for the development and the formation of the basement hereby approved shall be constructed solely in accordance with the detailed methodology outlined in the Structural Engineers Report 'REV' A by KMcD (titled Foundation Design & Excavations, dated July 2023, referenced 1580). If there is to be any variation from the approved methodology, such details must be submitted to and approved in writing by the Local Planning Authority prior to commencement of the construction phase of the development hereby approved.

Reason: In the interest of the residential amenity of nearby occupiers and land stability, in accordance with the National Planning Policy Framework (2021) and Policy DM14 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 Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 2 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 3 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.

Appendix 1- Officer's Report for 2022 Permission

Reference:	22/00601/FULM	
Application Type:	Full Application - Major	
Ward:	West Leigh	
Proposal:	Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 Bed Care Units with private amenity space, landscaped frontage, refuse and cycle stores to rear, and lay out parking at rear (Amended Proposal)	
Address:	Memory House, 6 - 9 Marine Parade, Leigh-on-Sea, Essex SS9 2NA	
Applicant:	Mr Sanders	
Agent:	Mr Stewart Rowe of The Planning and Design Bureau Ltd.	
Consultation Expiry:	25.08.2022	
Expiry Date:	14.10.2022	
Case Officer:	Oliver Hart	
Plan Nos:	001 Rev F; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev A; 011 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; PA04 Rev A; PA05 Rev A PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA Rev A	
Additional information:	Design and Access Statement (Dated March 2022); Planning Statement V.2 (Dated March 2022); Phase 1 and 2 Bat and Nesting Bird Survey (Dated 02.09.2020); Care Needs Assessment Report (Dated January 2022); Daylight and Sunlight Report (Dated: 9 February 2022); Storm Drainage Strategy Issue 1 (by DWW Consulting); Transport Statement (Dated March 2022); Tree survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan Rev A (Dated 30/09/2022)	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	

1 Site and Surroundings

- 1.1 The site is on the northern side of Marine Parade, near to its junction with Hadleigh Road, Grange Road, Rectory Grove and Belton Way East, and is occupied by a care home (Use Class C2) building.
- 1.2 The site has frontages onto both Marine Parade and Hadleigh Road. Its frontage on Hadleigh Road accommodates the vehicular access to the site and the associated parking area.
- 1.3 The building is two full storeys with a third storey of the building accommodated within its roof space. The existing building appears to have been constructed as a singular block and as such is an anomaly in the streetscene which is generally characterised by two-storey detached family housing.
- 1.4 Neighbouring properties maintain a relative consistent building line and comprise generally good quality properties with high levels of articulation and good detailing which create an attractive streetscene. There is a variety of design between the properties however this forms part of the overall character, with gables and bays common features to the frontage. Feature balconies reflecting the seaside location are prevalent features that add depth and interest to frontages.
- 1.5 There are some commercial uses on Rectory Grove and the area is designated as Secondary Shopping Frontage. To the south-east is the Leigh Conservation Area. To the south there is public open space designated as Green Belt, Protected Green Space, Local Nature Reserve and Local Wildlife Site which offers open and unrestricted views towards the Thames Estuary. The area and the site are part of the Seafront and Character Zone 1 as designated by Policy DM6 of the Development Management Document.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing 39-bed care home and erect a replacement 50-bed care home building. The accompanying Design and Access Statement states the facility will centre around dementia care.
- 2.2 The proposed building would roughly have an offset "T"-shaped layout and would measure a maximum 49m wide by 39m deep (inclusive of feature bays to front). The frontage of the building would be articulated with gabled projections, dormers and recessed parts, large glazed sections and Juliette balconies. Enclosed terraces are also proposed at roof level. The main roof form would be a crown pitch roof with a maximum height of 11.7m (dropping to 6.7m at eaves).
- 2.3 Finishing materials are shown as a combination of red face-brick, render and curtain wall glazing to the exterior walls, white uPVC windows and (blue/black) slate tiles. The site is proposed to be enclosed by 0.8m high black metal railings with hedging behind to the Marine Parade frontage and by a 0.6m high brick wall to the Hadleigh Road frontage.
- 2.4 The building would accommodate the rooms and ancillary facilities over three levels. The ground floor comprises the main entrance from Marine Parade, offices, day rooms, a café area, kitchen and laundry facilities and 15 en-suite rooms, each with their own access to external amenity space. At first floor, a hairdresser's and pamper room are noted, along with 3 additional day rooms, assisted communal bathroom, staff room and 19 en-suite rooms. At second floor, there are 3 further day rooms, plant/boiler rooms

- 2.5 A garden would be located to the north-western part of the site with extensive planting proposed. A full landscaping plan outlining the proposed planting schedule and future management plan has been provided (001 Rev F). The proposal would see 4 existing trees, one group of trees and one area of trees removed to achieve the proposed layout. The majority of this would be along the Hadleigh Road frontage. In total, 12 replacement trees are proposed to be planted across the site, five along the Hadleigh Road frontage, four along the Marine Parade frontage, and three within the rear garden area. The existing street tree in Hadleigh Road would be retained as part of the development.
- 2.6 It is proposed to provide 17 parking spaces to the rear part of the site, 2 of which would be for disabled users. At time of report preparation, one of the proposed disabled spaces is to be re-positioned within the layout for which an amended plan is expected. An update will be given via the supplementary report. Pedestrian access is proposed to be retained on the Marine Parade frontage and vehicular access to be taken from Hadleigh Road. Cycle parking is shown to the north-east of the site, with capacity for 7 bicycles. A waste store is also shown to the north of the site. This would measure 4.8m deep, 4.05m wide and 3m in maximum height (2.1m high to eaves). The store is shown as being finished externally in timber boarding.
- 2.7 The proposal was amended during the course of the application, with alterations to the main front entrance from Marine Parade to increase its presence and legibility in the streetscene, a simplification in the arrangement and design of windows, a reduction in the pitch of the main roof and a slight increase in the width of the front gable projections. This also resulted in dropping the respective eaves line of the open gabled projections to the front.
- 2.8 Concerns were also raised with the initial replacement tree planting along the Hadleigh Road frontage. As a result, a revised landscape plan was submitted with two additional trees planted along the Hadleigh Road frontage, bringing the total number of trees to five along this frontage. The submitted Arboricultural Impact Assessment (AIA) has not yet been updated to reflect this additional planting. An amended AIA is expected prior to the Development Control Committee meeting and Members will be advised about this within the Supplementary Report.

3 Relevant Planning History

- 3.1 Although there is extensive planning history for this site, 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 [Date]
21/00456/FULM	Demolish existing building and erect replacement Care Home (Class C2) comprising of 50 bed care units with private amenity space, landscaped frontage, refuse and cycle stores to rear, layout parking rear, and remove existing vehicle crossover and reposition on to Hadleigh Road	Withdrawn
03/00711/FUL	Erect bin enclosure to front	Granted [15.07.2003]
97/0718	Demolish garage and erect new hipped roof detached garage at rear	Granted

97/0637	Remove existing rear lean-to and erect single storey rear extension	Granted
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4 Representation Summary

Call-in

4.1 The application has been called in to Development Control Committee by Councillors Hooper and Evans.

Public Consultation

4.2 Eighty (80) neighbouring properties were notified, a site notice was posted and a press notice was published. Letters of representation from 27 interested third parties (in 21 addresses) have been received objecting to the application. Summary of objections:

- Design and character impact concerns- development would appear overscaled and out of character
- Development would appear obtrusive
- Concerns about the loss of trees
- The proposal would represent overdevelopment of the site
- Concerns about the impact on local infrastructure
- Concerns with noise disturbance from construction activities
- Concerns about servicing/delivery arrangements and impact on local highway network
- Parking concerns
- Overlooking and loss of light concerns
- Concerns with the size of the amenity area
- Concerns with the position of the waste storage area adjacent to No 93 Hadleigh Road
- Query need for increased capacity of beds at the care home
- Environmental impact concerns from demolition
- Impact on property prices
- Permission may set a precedent for similar developments

4.3 Officer Comment: All relevant planning considerations have been assessed within the appraisal section of this report. These concerns are noted and where they relate to material planning considerations have been taken into account in the assessment of the application however, they were not found to represent a justifiable reason for refusal in the circumstances of this case.

Leigh Town Council

4.4 Resolved to object on the following grounds:

- Overdevelopment of the site leading to a loss of amenity space for residents of the home.
- The siting of the refuse storage would have an adverse effect on the residents at No 93 Hadleigh Road.
- Servicing and delivery concerns.
- Under supply of car parking spaces.
- There has also been no clarification from Southend City Council that there is a need for any additional care home beds in the Leigh-On-Sea area.

Lead Local Flood Authority (LLFA)

4.5 No objection following receipt of additional information subject to imposition of the following pre-commencement conditions:

- 1.) A drainage plan must be provided showing the site drainage, connections to existing drainage systems and details of how these connections will be made. This should also show all SuDS and attenuation features.
- 2.) An agreement in principle from Anglian Water should be provided confirming agreement of the new connection type, location and discharge rate.

Parks (Trees)

- 4.6 No objection subject to conditions requiring a detailed tree protection plan and Arboricultural method statement. Detailed tree planting specification will also be required with regard to ensuring any trees planted have adequate soil volume to establish and reach maturity. A programme of aftercare including watering will also be required.

Design

- 4.7 No objection following receipt of amended plans. Conditions requiring details of eaves and materials.

Highways

- 4.8 No objection raised. The applicant has provided a robust transport statement to support the application. TRICS, parking accumulation surveys and outputs have been provided which demonstrate that the 17 parking spaces provided are satisfactory to support the development. The access to the parking area is from an existing dropped kerb the formalised parking arrangement allows vehicles to enter and leave in a forward gear. Given the information contained within the transport statement it is not considered that the proposal will have a detrimental impact on the local highway network.

Anglian Water

- 4.9 No objection subject to condition requiring details of foul and surface water drainage works.

Environmental Health

- 4.10 No objection subject to conditions recommended relating to submission of a construction management plan; noise impact assessment, refuse/recycling and exterior lighting details.

Adult Social Care

- 4.11 No objections raised. Based on the care needs assessment, and the evidence provided there is not a strong case to dismiss or object to this planning application. The Quality and Contracts team advised that Memory House is currently a Care Quality Commission (CQC) rated "Good" home, and these changes will likely continue to support a favourable rating. The Council's Quality and Contracts team should engage with the provider around their plans for care delivery when the works are nearing completion.

London Southend Airport (LSA)

- 4.12 No objection subject to conditions- No part of the proposed development must be taller than the adjacent properties. If taller, a third-party assessment, at the developer's cost, will be required to ascertain if there is an impact.

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 Core Strategy (2007): Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and

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Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision) and CP6 (Community Infrastructure).

- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) DM9 (Specialist Residential Accommodation) and DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Technical Housing Standards Policy Transition Statement (2015)
- 5.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.9 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, ecology and RAMs contributions and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Policy DM9 of the Development Management Document recognises that there is a need to limit further growth of the residential care home market in Southend; owing to modifications in the approach to national and local social care policy. Increasingly, social care policy seeks to enhance the level of support available for older people, the vulnerable and those with disabilities, allowing people to remain in their own homes or live as independently as possible, rather than in residential care homes.
- 7.2 Specifically, Policy DM9 states:

1. Development proposals for specialist residential accommodation, including new build and extensions, will be considered acceptable where each of the following criteria are addressed and it is demonstrated to the satisfaction of the Council that;

- i. there is a clearly identified need in Southend; and*
- ii. there is no existing capacity for such facilities within Southend; and*
- iii. it will not lead to an over concentration of similar uses that would be detrimental to the character of a residential area, residential amenity or will impact on the capacity of public services e.g. health and social care; and*
- iv. it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and*

- v. *it is accessible to public transport, shops, services, community facilities, public open space and social networks appropriate to the needs of the intended occupiers.*

- 7.3 It is clear at the time of writing Policy DM9 (in 2015), that there was an over-provision of residential care within the City. The applicant has however submitted a supporting statement justifying the need for the new care home and for an increase in capacity, from 39 beds to 50, a net gain of 11 beds. The Care Needs Assessment Report (by Pinders Professional & Consultancy Services Ltd.) points to the Care Act and Support (Eligibility Criteria) Regulations 2015 which sets out the levels of care need which are required to qualify for NHS and/or Local Authority support.
- 7.4 This study concluded that 7.0% of those aged 65 years or more are likely to be unable to perform two or more core Activities of Daily Living and thereby qualify for care in accordance with the national eligibility criteria. The supporting statement therefore considers it reasonable to apply this estimate of demand to any population as a guide to the number of older people likely to require third party care on a regular basis.
- 7.5 Applying this estimate to the current population within the Catchment Area, indicates that some 2,583 older people are likely to have higher care needs which would require some form of residential care.
- 7.6 The report notes that there are currently 1,529 bedrooms across the City within care homes that meet market standards (providing individual rooms or apartments with private toilet facilities) which would therefore suggest a shortfall in provision of 1,054 care home bed spaces, increasing to 1,626 by 2031.
- 7.7 There are a further 789 bedrooms within care homes which, whilst registered with the Care Quality Commission (CQC), have shared toilet/bathroom amenities and are not therefore regarded as meeting market standards. If these rooms are included, the overall shortfall reduces to 265, increasing to 837 within the next decade. However, it is reasonable to anticipate further erosion of this below market standard accommodation as market preferences continue for single, en suite rooms.
- 7.8 The submitted report concludes, therefore, that additional care home accommodation will be required to meet the identified shortfall in excess of 1,000 market standard bed spaces. This shortfall is forecast to increase as a result of an ageing population but also through the loss of below standard accommodation, which currently accounts for 34% of bed spaces within the catchment area. This has been apparent through a number of recent applications to convert existing care homes to residential uses.
- 7.9 The Adult Social Care (ASC) team have raised no objection to the proposal. They have accepted there is need within the City and advised that the proposal would likely assist the operator to continue with a favourable rating. The ASC team also stated that residential homes are not necessarily the only method of meeting the identified need but at the current rate of growth and taking into account the challenges in recruitment, there will be a need for care home beds.
- 7.10 The Council's market position statement focuses on improving the quality of the care within the City and advising the struggling or low-quality homes to improve or repurpose their setting.
- 7.11 To this end, it is considered that the proposal to redevelop an existing site would be in line with the objectives of Policy DM9 of the Development Management Document and would not result in an over-concentration of specialist residential accommodation. The

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proposed care home and day care facility would improve upon and provide extra provision for specialist care within the City. It is considered that the supporting information has demonstrated the need for the proposed additional care home beds.

- 7.12 The proposed re-development of the site for a larger care home is therefore considered acceptable and policy compliant in the above regards. The other determining material considerations are assessed below.

Design and Impact on the Character of the Area including Leigh Conservation Area

- 7.13 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.
- 7.14 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 7.15 Leigh Conservation Area is located some 80m to the south-east of the site. Section 72(1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Similarly, Policy DM5 of the Development Management Document states that the Council has a statutory duty to preserve or enhance the character and appearance of conservation areas.
- 7.16 The site is also within Seafront Character Zone (SCZ) 1 according to Policy DM6 of the Development Management Document. One of the stipulations for this SCZ is to retain the character and building height and type along Marine Parade.
- 7.17 The application seeks permission for the demolition of the existing care home building and the erection of a replacement care home building with accommodation over three levels.
- 7.18 The building is not listed and is not within a Conservation Area or otherwise a heritage asset. As such there is no objection in principle to its demolition and redevelopment.
- 7.19 The proposed building has a similar "T"-shaped layout as the existing, retaining a dual frontage along both Marine Parade and Hadleigh Road. The proposed new building extends that built form to the side and rear.
- 7.20 Marine Parade has a consistent building line which the replacement building would suitably correspond with, providing adequate separation to the public highway and enabling a significant amount of soft landscaping to be introduced. With respect to its Hadleigh Road frontage, the enlargement of the building and shift to align with the north-western boundary allows this elevation to run perpendicular with Hadleigh Road, thus enabling the formation of built form that would correspond more suitably with neighbouring dwellings to the north over the existing situation. This is considered a positive element of the proposal.
- 7.21 The streetscene along Marine Parade is characterised predominantly by two-storey

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dwellinghouses with rooms in the roof such that the scale and height of the proposal, as demonstrated in the streetscene elevation plan, is not considered to be out of keeping with the immediate neighbouring properties or the wider surrounding area.

- 7.22 Whilst the resultant-built form would be of increased scale and bulk over the existing building, emphasised by the gabled projections to the front and rear, retention of a 4m separation (to the front) to the west flank boundary – reducing to 1.5m to the rear – and retention of a 1.8m separation (to the front) to the east flank boundary – reducing to 1m to the rear – is such that there is considered to be appropriate separation space to either neighbouring property such that the proposed building would not appear unduly dominant in its setting. This is considered to be further aided by the heavily articulated front elevation, including gabled projections, dormers and recessed elements, large glazed sections and Juliette balconies, as well as the separation of the building from the public highway (some 3m at its narrowest). This allows for a significant amount of planting to the Marine Parade frontage which is considered to further soften the visual impact of the building. For these reasons it is not considered the proposal would have a detrimental impact on public vistas towards the estuary and noting the significant separation from the Leigh Cliff Conservation Area, the development proposed is also considered to preserve the character, appearance and setting of this Conservation Area.
- 7.23 The detailed design of the building following revisions sought during the course of the application (as outlined at para 2.7) is now considered to appear suitably resolved, with the gables appropriately balanced for the scale of the frontage and a suitable pitch introduced for the roof such that the crown roof behind would be hidden from public views. In addition, following the mixed design and form of neighbouring dwellings, the external materials proposed (as outlined in paragraph 2.3) are considered to be appropriate in this context, with submission of full details secured by condition in the interest of visual amenity.
- 7.24 The proposed amenity space around the development is considered to be of a size and form which will provide an acceptably proportionate setting for the building.
- 7.25 The refuse storage area proposed next to the northern boundary is set back approximately 17m from the public highway. The proposed store would measure some 4.8m deep, 4.05m wide and 3m in maximum height (2.1m high to eaves). The store is shown as being finished externally in timber boarding. It is considered the provision and form of waste storage would provide an acceptable solution which does not result in a dominant presence of bins in front of or integral to the façade of the building. Details of the number of Eurobins that can be stored and the collection arrangements can be conditioned.
- 7.26 No objection in design terms is raised to retention of the parking area to the rear from Hadleigh Road, with the existing vehicular access to be unchanged. Whilst the car park position is generally unchanged from the existing arrangement, it has been pushed further southwards such that the rearward wing of the development would abut the revised car parking area, therein altering the streetscene. Re-positioning of the proposed second disabled parking space involves some modest layout changes internal to the car park for which a revised plan is expected but which did not overall change the character of the proposed car park. The car parking area includes parcels of landscaping and there is a generally well resolved relationship between the new north-eastern elevation of the building such that overall, it is not considered, on balance, to have a detrimental impact on the streetscene.
- 7.27 The application has been submitted with a tree survey and an Arboricultural Impact Assessment (AIA). The proposal will be facilitated by removal of four individual trees,

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one area of trees and one group of trees to achieve the proposed layout- these have been numbered T003, T005, T009, T010, G001 and A001 respectively, and are located predominantly along the Hadleigh Road frontage. Additionally, two individual trees to the Marine Parade frontage require minor surgery to permit construction space (T011, T012).

7.28 Four further trees have been identified for removal irrespective of any development proposals (T002, T004, T006, T008). The removal of these trees is based on poor structural and/or physiological condition.

7.29 The items listed in the table below are those requiring felling to permit the proposed development to proceed:

Table 2: Extract from the AIA.

Feature No	Reason for Removal	BS Category*	Visual Amenity Assessment*
A001	Conflicts with new building and car park.	C	Moderate
G001	Conflicts with new car park.	C	High
T003	Conflicts with new car park.	B	High
T005	Conflicts with new car park.	C	Moderate
T009	Conflicts with new building and car park.	B	High
T010	Conflicts with new building.	C	Low

7.30 Category 'B' trees are of moderate quality with an estimated remaining life expectancy of at least 20 years. Category 'C' trees are those trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.

7.31 The group of trees (G001) to the south-east boundary of the car parking area fronting Hadleigh Road, including T003 and T009 are considered provide some softening to the rear of the existing development in the streetscene. Therefore, the loss of these trees in particular, together with those outlined above represent a negative aspect of the development.

7.32 Nevertheless, none of the trees to be removed are classified as Category 'A' specimens, i.e. those of high quality with an estimated remaining life expectancy of 40 years and not trees are protected with Tree Preservation Orders. In addition, the proposed landscaping plan shows the proposed development is to be set within a heavily landscaped setting following the planting of twelve new trees and shrubs across the site. In total, five new trees are proposed along the Hadleigh Road frontage, four along the Marine Parade frontage and three within the rear garden area.

7.33 The trees listed have the potential to grow to the following heights:

- *Carpinus betulus*: 10-15m tall (spread of up to 6m)
- *Cercis canadensis* 'Forest Pansy': up to 10m tall (spread of up to 8)
- *Crataegus* 'Paul's Scarlet': up to 6m tall (spread of up to 6m)
- *Prunus avium* 'Plena': up to 12m tall (spread of up to 10m)
- *Prunus subhirtella* 'Autumnalis': up to 8m tall (spread of up to 8m)
- *Sorbus aria* 'Lutescens': up to 10m tall (spread of up to 8m)

7.34 The Council's arboricultural officer has raised no objections to the proposed tree works

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subject to a detailed tree protection plan and Arboricultural method statement, a detailed tree planting specification to ensure any trees planted have adequate soil volume to establish and reach maturity as well as a programme of aftercare including watering. Such information can reasonably be conditioned.

- 7.35 On this basis, and owing to the level of tree replacement proposed and the size and coverage of the replacement trees, the resultant visual impact is considered on balance, to be acceptable. Weighed into the planning balance also is the retention of the existing 'Lime' street tree next to the vehicular access from Hadleigh Road and T007 towards the south-western boundary of the car park.
- 7.36 Details of the planting and maintenance schedules as outlined in the proposed landscape plan (001F) are considered acceptable and would provide a satisfactory setting for the proposed development in the context of the wider surrounding area, the details of which can reasonably be conditioned.
- 7.37 In summary, the proposal is considered on balance, and subject to conditions, to be acceptable and policy compliant in terms of its impact on character and appearance of the site, streetscene and wider surrounding area including the setting and appearance of Leigh Conservation Area.

Impact on Neighbour's Residential Amenity

- 7.38 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.
- 7.39 The application site is bounded to the west by No 10 Marine Parade some 7m away at its maximum, to the east by two flats at Nos 3/3A Marine Parade some 2.6m at its maximum and to the north by No 93 Hadleigh Road some 7m away at its maximum.
- 7.40 With regards to No 10 Marine Parade, the proposed development would result in built form extending closer to the shared boundary. The main body of the proposed building along the Marine Parade frontage would not project beyond that neighbour's rear elevation such that neighbouring habitable room rear windows would not be affected. A series of neighbouring flank windows are noted at ground, first and second floors adjacent to the proposed development. None of these windows serve as the sole outlooks to a habitable room. They either serve as secondary outlooks or, as openings to non-habitable accommodation, such as bathrooms, stairwells and landings. The weight given to the protection of such windows is limited in planning terms.
- 7.41 With regards to No's. 3/3A Marine Parade, the existing building projects some 3m beyond that neighbouring rear elevation in close proximity to the shared flank boundary. The proposed building would reduce the depth of built form that presently extends beyond the neighbouring rear elevation to some 1.8m, whilst retaining the same (1m) separation. Moreover, the offset 'T' element extending to the Hadleigh Road frontage which has been moved more centrally and consequently, is considered to have an improved impact on the amenity of the neighbouring occupants with regards to dominance and sense of enclosure impacts. Whilst one first floor flank window to No.3 is noted, given the proposed building would retain the same separation and comparable built form near this boundary as the existing, it is not considered to give rise to a

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materially different amenity impact than the existing nor one that is significantly harmful when considered on its own merits and as part of an overall balanced assessment.

- 7.42 With regards to No.93, whilst the Hadleigh Road frontage would result in a section of built form projecting some 7m beyond that neighbouring rear elevation, a separation of some 8m would be retained from the nearest neighbouring rear windows. This separation is such that a notional 45-degree guideline would not be breached, safeguarding neighbour outlook and receipt of light to an acceptable degree.
- 7.43 A neighbour Daylight/Sunlight Assessment has also been submitted. It concludes that the impact of the proposed development on No's 10, 3 and 3A Marine Parade and No 93 Hadleigh Road satisfies the BRE direct sunlight to windows requirements in relation to neighbouring habitable rooms as well as the BRE recommendations for overshadowing of the neighbouring garden areas. On this basis therefore, the impact of the development on the amenity of the neighbouring occupants with regards to loss of light, outlook and sense of enclosure and dominance is considered acceptable.
- 7.44 Whilst overlooking has been raised as a concern by third parties, regard is had to the existing two storey building on the site and the presence of surrounding two and three storey development such that a degree of mutual overlooking of neighbouring rear gardens is considered to exist at present and informs the prevailing character and levels of amenity enjoyed. The closest relationship within the proposal between a bedroom window and a neighbouring garden area is a minimum of 11m (rooms 28 and 45 toward No's 3/3A). Moreover, it is not considered that any of the proposed bedroom windows would be provided with clear, uninterrupted views of neighbouring habitable accommodation, such that the proposal would suitably maintain neighbour amenity. Subject to a condition requiring the first-floor windows of the stairwell serving the Hadleigh Road frontage to be obscure glazed, no objections are raised on overlooking or loss of privacy grounds.
- 7.45 This assessment takes note of the balcony serving room 45 however, on account of its position which restricts views of neighbouring habitable accommodation and limited size and scale – 0.9m deep x 3m wide, is such that its amenity impact in relation to overlooking and neighbour privacy is considered acceptable.
- 7.46 Whilst the car park position is generally unchanged from the existing arrangement, it has been pushed further southwards. Regardless of this however, it is located at appropriate distances which would not result in demonstrable harm to the amenities of neighbouring occupiers from noise or disturbance i.e. from vehicular movements and the closing of car doors etc.
- 7.47 The proposed waste store is shown on submitted plans to the northern boundary shared with No 93 Hadleigh Road. The store would project some 3.5m beyond the neighbour's rear elevation however, following position of a garden access serving No.93 some 1m wide and its modest height (3m), it is not considered the proposal would have a detrimental impact on the amenity of neighbouring occupants. In addition, the nature of the store as an enclosure for waste bins would act as a deterrent to vermin and would also restrict the emission of odours and smells. No objection is therefore raised on this basis.
- 7.48 It is considered there is potential for noise and disruption to neighbouring occupants following demolition and construction activities. It is therefore considered reasonable to attach a condition requiring submission of a construction management statement prior to commencement of the development.

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- 7.49 In terms of noise and disturbance, concerns have been raised by the Environmental Health Service with regards to operation of plant equipment in association with operation of the care home. Environmental Health confirm their concerns can reasonably be addressed by way of condition for a noise impact assessment and a schedule of mitigation measures (should it be deemed necessary) to be carried out and the details submitted to the Local Planning Authority beforehand for consent.
- 7.50 Subject to the described conditions, the proposal is acceptable and compliant in the above regards.

Standard of Accommodation

- 7.51 According to Policy DM8 of the Development Management Document non-self-contained accommodation must comply with Policy Table 6 which requires among others a bedroom size of 6.5m² for single bedrooms.
- 7.52 All rooms would exceed the 6.5m² requirement and would be provided with their own en-suites. All rooms would be served by a good quality of light and open outlook. Units in the north-east side of the development will look onto the car park which is not ideal however, there is a degree of planting within the car park area such that this arrangement is considered to be acceptable. Rooms in the north and west elevations of the care home will look onto the communal garden.
- 7.53 The building would offer good accessibility between all floors following provision of two lifts. All units would have access to the communal garden to the rear with two of the rooms at second floor level provided with their own private roof terraces. The site is also directly opposite a public open space and gardens.
- 7.54 Overall, the resulting living conditions for future residents is considered to be acceptable.

Traffic and Transportation Issues

- 7.55 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."
- 7.56 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. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposed use.
- 7.57 Policy DM15 of the Development Management Document states that for residential care homes, a maximum of 1 off-street parking space is required per resident staff plus 1 space per 3 bed spaces/units. The Council's parking standards are expressed as a maximum and local and national guidance encourage reduction in the reliance on the car and promote methods of sustainable transport.
- 7.58 The accompanying Transport Statement states that it is anticipated that a total of 41 members of staff will be employed at the site, with a maximum of 25 members of staff present on site at any one point in time. A breakdown of the staffing patterns and staffing numbers throughout the day has been provided.

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- 7.59 It is understood that there are no resident staff on site. Applying the relevant standards, there is a maximum requirement of 17 spaces on site. The existing care home of 39 beds includes a parking area for approximately 12 car parking spaces. This is 5 spaces less than the 17 spaces proposed for the 50-bed care home, demonstrating an increase in the number of parking spaces to be provided, greater than the proportional uplift in rooms (i.e. a 42% increase in parking compared with 28% increase in beds). This is a positive element of the proposal.
- 7.60 The adopted parking standards set out the maximum level of parking to be provided. Analysis has also been undertaken by the applicant to establish whether the increase in car parking is sufficient to meet the needs of the proposed care home. Reference has been made to an accumulation profile established using the TRICS sites that informs the Transport Statement in its Section 5, the results of which are summarised in Figure 4.1 and included in Appendix D of that report.
- 7.61 The Transport Statement states that it is evident from the proposed parking provision that the predicted demand will amount to approximately 88% of the available capacity. A parking review exercise is shown in Drawing 205390/AT/A01 at Appendix C of that report. This identifies that the spaces can be accessed by a large car throughout.
- 7.62 Therefore, the above demonstrates that the site will not result in a severe impact on the local highway network or compromise highway safety.
- 7.63 The Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document requires at least 20% of spaces is provided with active and 80% with passive electric vehicle charging infrastructure. These requirements can be secured by condition.
- 7.64 Service vehicles and deliveries will be made at the existing access onto Hadleigh Road. Whilst there will be an increase in the number of beds at the care home, the applicants do not anticipate that there will be a proportional increase in the number of service vehicle trips to the site. Whilst the size of delivery may increase compared to that which currently occurs, such deliveries are argued to not necessitate multiple trips to the site, being accommodated by existing food, laundry and medical deliveries as well as laundry and refuse collections. As a result, the number of service vehicle movements are not envisaged to increase.
- 7.65 Refuse collection is currently undertaken directly from Marine Parade at the southwest corner of the site, this is not anticipated to change as a result of the proposal.
- 7.66 The proposed traffic generation associated with a proposed 50 bed care home has been calculated using the trip rates introduced in Table 5.1 of the submitted Transport Statement. Table 5.2 demonstrates that the proposed traffic generation results in a minor increase in all peak periods, with a net increase of 2 vehicles in the AM and 2 in the PM peak periods and a net increase of 2 vehicles during the development peak. This therefore demonstrates that the proposal will not result in a significant impact on the surrounding highway network in terms of capacity and congestion nor highway safety that will require mitigation.
- 7.67 Highways officers have raised no objection to the development noting that the applicant has provided a robust transport statement to support the application.
- 7.68 With regards to cycle parking, submitted plans detail provision for eight cycle spaces. The requirement as outlined in DM15 is for one space per five staff members. Therefore, the requirement has reasonably been met. Whilst no details have been provided as to

the form of the cycle parking, this can reasonably be dealt with via condition.

- 7.69 London Southend Airport were notified of the application. They advise no objections subject to the following: that no part of the proposed development be taller than the adjacent properties; if taller, a third-party assessment, at the developer's cost will be required to ascertain if there is an impact. An element of the proposed building is taller than the immediate adjacent neighbouring properties and therefore, to avoid interference with air traffic, a condition as required by the LSA will be imposed.
- 7.70 On this basis, the proposal is acceptable and policy compliant in the above regards.

Sustainability

- 7.71 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)".
- 7.72 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 that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption).
- 7.73 Whilst no details have been provided at this stage, it is considered a condition requiring the development to comply with this requirement could reasonably be imposed. No objections are therefore raised on this basis.

Ecology and Biodiversity

- 7.74 Policy KP2 of the Core Strategy states that all new development must 'respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the city's biodiversity and green space resources; ensure that European and international sites for nature conservation are not adversely affected and contribute positively towards the 'Green Grid' in Southend.'
- 7.75 Policy CP4 of the Core Strategy seeks to contribute to the creation of high quality, sustainable urban environments by 'safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance.'
- 7.76 The site is located within the Seafront Character Zone 1: Two tree Island, Leigh Marshes and Belton Hills. The development principles for this character zone include 'to protect the special character of the nature reserves.'
- 7.77 A phase 1 and 2 bat and nesting bird survey has been submitted. In its conclusions, no evidence of bats or nesting birds were present. A series of biodiversity enhancements were however recommended (section 5) and these can also be conditioned.
- 7.78 On this basis therefore, it is considered the proposal is acceptable and policy compliant subject to the planning conditions described above

Flooding and Drainage

- 7.79 National policy requires that any development is safe from flooding and does not

increase the risk of flooding elsewhere. Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.

- 7.80 The proposed development would be built partially within an area of undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements have been submitted however, additional information is required to satisfy LLFA requirements. This can be dealt with by a condition. Subject to this, the development would be acceptable and policy compliant in these regards.

RAMS

- 7.81 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), which was adopted by Full Council on 29th October 2020, requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.82 Table 3.2 of the RAMS SPD confirms that residential care homes are covered by the RAMS tariff, but notes that they will be considered on a case-by-case basis according to the type of residential care envisaged.
- 7.83 The proposal results in an increase from 39 to 50 beds and is a 28% increase which is considered significant. In these circumstances, a single RAMS payment is required.
- 7.84 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the development on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 7.85 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 net gain in internal floor area of approx.1096sqm, which may equate to a CIL charge of approximately £83,970.46 subject to confirmation.

Equality and Diversity Issues

- 7.86 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.

Conclusion

7.87 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

8 Recommendation

8.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

01 The development hereby permitted shall begin no later than 3 years beginning with the date of this permission.

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

02 The development hereby approved shall be carried out solely in accordance with the approved plans: 001 Rev F; 2473-19-PB-19 Issue 1; 36313_T Rev 0; WD05 Rev A; 011 Rev A; PA01 Rev A; PA02 Rev A; PA03 Rev A; PA04A; PA05A; ; PA04 Rev A; PA05 Rev A PA06; PA07 Rev A; PA08; PA09; 205390/AT/A01 Rev D; 9628-D-AIA

Reason: To ensure the development is carried out in accordance with the development plan.

03 Notwithstanding the information submitted with the application, with the exception of site preparation and demolition, no development above ground level shall take place until full details of the materials to be used on all the external elevations of the building have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall only be carried out and completed in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

04 The soft landscaping details including planting and maintenance shall be incorporated in full accordance with the details outlined in the submitted landscape plan (001 Rev F) within the first planting season following first use of the development hereby approved or, any alternative details which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Any trees or shrubs dying,

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Reason: To safeguard the character and appearance of the surrounding area in accordance with the National Planning Policy Framework (2021), Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 06 No development shall take place on site unless and until a detailed Arboricultural Method Statement and Tree Protection Plan for those trees to be retained on site, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. This will include the following; fencing type, ground protection measures, "no dig surfacing", access facilitation pruning specification, project phasing and an extensive auditable monitoring schedule. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition works shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.). The approved hard landscaping works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 08 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development and in accordance with the agreed details.

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 09 Prior to occupation of the development hereby approved water efficiency design measures 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), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.

Reason: In the interests of providing sustainable development and to minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policy DM2 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 10 Prior to the first use or occupation of the development, 17 parking spaces shall be provided at the site in full accordance with plan number 'WD05 Rev A' and at least 4 spaces shall be provided with active electric vehicle charging infrastructure with the rest of the spaces being fitted with passive electric vehicle charging infrastructure. The approved parking facilities and active electric vehicle charging infrastructure shall be retained thereafter in perpetuity only for the use of the occupiers, staff and visitors to the site.

Reason: To ensure that adequate vehicular parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 11 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no part of the development shall be occupied or brought into use until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be provided and made available for use in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter. Waste management and servicing of the development shall only take place in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that

satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, details of secure cycle storage (including elevations) shall be submitted to and agreed in writing by the Local Planning Authority under the provisions of this condition. The secure cycle storage shall be provided at the site and made available for the use of staff and residents or their visitors in accordance with the agreed details prior to first occupation of the development. The cycle storage shall be maintained as approved for the lifetime of the development.

Reason: In the interests of accessibility and visual amenity further to the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

- 13 The development hereby approved, for purposes falling within Use Class C2, shall only be occupied as a specialist residential care home for up to 50 residents within the client group identified in the application form, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any act amending or re-enacting that Order, or any change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any act amending or re-enacting that Order.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

- 14 No development shall take place, including any works of demolition, until a Construction Method Statement 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, amongst other things, for: i) the parking of vehicles of site operatives and visitors ii) loading and unloading of plant and materials iii) storage of plant and materials used in constructing the development iv) the erection and maintenance of security hoarding v) measures to control the emission of noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.

Reason: In the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3

- 15 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 16 Notwithstanding the submitted drainage details which are otherwise agreed, no drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details shall have regard to the following;

- 5) A drainage plan must be provided showing the site drainage, connections to existing drainage systems and details of how these connections will be made. This must also show all SuDS and attenuation features.
- 6) An agreement in principle from Anglian Water must be provided confirming agreement of the new connection type, location and discharge rate.

The development shall only be implemented in accordance with the details approved under this condition and the conclusions and recommendations outlined in the Storm Drainage Strategy by DWW Consulting (Dated 10/08/2022). The approved drainage works shall be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2021) and Core Strategy (2007) Policies KP1 and KP2.

- 17 Details of the biodiversity enhancement measures outlined in the findings, recommendations and conclusions of the Phase 1 and 2 Bat and Nesting Bird survey undertaken by Ridgeway Ecology Ltd dated 02.09.2020 shall be incorporated in full prior to first use of the development hereby approved and maintained for the lifetime of the development.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1, KP2 and CP4.

- 18 Prior to first use of the development hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts from plant and equipment including extract ventilation when operating at its maximum speed. Output 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 assessment must be made using the appropriate standards and methodology for the noise sources and best practice with background noise levels established for the following periods:

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

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

A report on that impact assessment, which must include any necessary mitigation measures required for the development hereby approved, must be submitted to the Local Planning Authority for approval. Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must also be submitted to and approved in writing by the Local Planning Authority.

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before it is first occupied and must thereafter be maintained as such in perpetuity

Reason: To protect the environment of people in neighbouring properties and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 19 Prior to first occupation of the development hereby approved, the first-floor side windows serving the stairwell to the north-eastern most part of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window, and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

- 20 As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 21 No externally mounted plant or equipment shall be installed on the development hereby permitted until and unless details of its location, design and specification have been submitted to and approved in writing by the Local Planning Authority. Such plant or equipment shall be installed, operated and maintained for the lifetime of the development solely in accordance with the agreed details.**

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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:

- 4 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**
- 5 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**
- 6 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**

**APPENDIX 1 for 23/00826/AMDT - Officer's Report for 2022 Permission
take care when carrying out works on or near the public highways and footpaths
in the city.**