

# Southend-on-Sea Borough Council

Agenda  
Item

Report of the Corporate Director for Place  
To  
Development Control Committee  
On  
02<sup>nd</sup> September 2015

## Report(s) on Pre-Meeting Site Visits

### A Part 1 Agenda Item

WARD & TIME	APP/REF NO.	ADDRESS	PAGE
West Shoebury	14/02050/FULM	Shoeburyness High School Caulfield Road	3
St Lukes	15/01129/AMDT	Cory Environmental Cleansing Depot Eastern Avenue	12

**Depart Civic Centre at: 11.30am**

## **DEVELOPMENT CONTROL COMMITTEE**

### **SITE VISIT PROTOCOL**

#### **Purpose of Visits**

- (i)** The purpose of the site visits is to enable Members to inspect sites of proposed developments or development which has already been carried out and to enable Members to better understand the impact of that development.
- (ii)** It is not the function of the visit to receive representations or debate issues.
- (iii)** There will be an annual site visit to review a variety of types and scales of development already carried out to assess the quality of previous decisions.

#### **Selecting Site Visits**

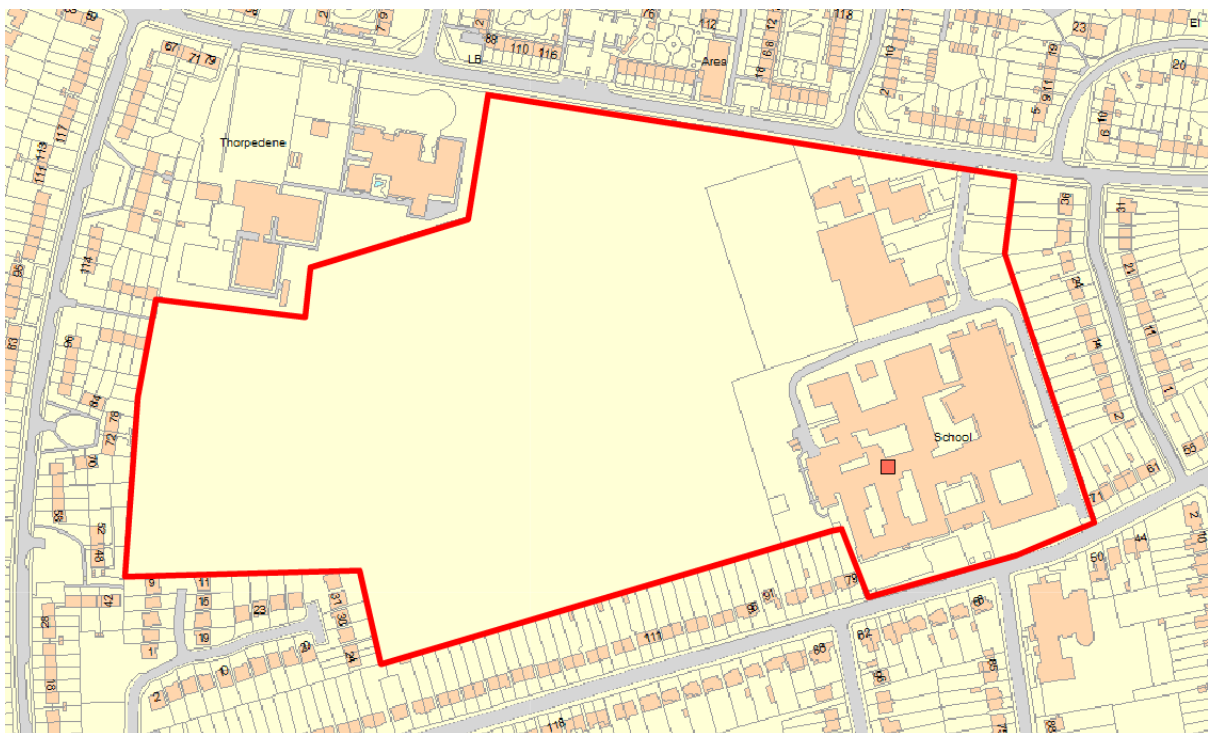
- (i)** Visits will normally be selected (a) by the Corporate Director of Enterprise, Tourism & the Environment and the reasons for selecting a visit will be set out in his written report or (b) by their duly nominated deputy; or (c) by a majority decision of Development Control Committee, whose reasons for making the visit should be clear.
- (ii)** Site visits will only be selected where there is a clear, substantial benefit to be gained.
- (iii)** Arrangements for visits will not normally be publicised or made known to applicants or agents except where permission is needed to go on land.
- (iv)** Members will be accompanied by at least one Planning Officer.

#### **Procedures on Site Visits**

- (i)** The site will be inspected from the viewpoint of both applicant(s) and other persons making representations and will normally be unaccompanied by applicant or other persons making representations.
- ii)** The site will normally be viewed from a public place, such as a road or footpath.
- (iii)** Where it is necessary to enter a building to carry out a visit, representatives of both the applicant(s) and any other persons making representations will normally be given the opportunity to be present. If either party is not present or declines to accept the presence of the other, Members will consider whether to proceed with the visit.
- (iv)** Where applicant(s) and/or other persons making representations are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered but will first advise them that it is not the function of the visit to receive representations or debate issues. After leaving the site, Members will make a reasoned recommendation to the Development Control Committee.

**Version: 6 March 2007**

<b>Reference:</b>	14/02050/FULM
<b>Ward:</b>	West Shoebury
<b>Proposal:</b>	Erect single storey extension to East elevation to form workshop, alter first floor East elevation, install 15no lampposts and retain four security cameras. (Part Retrospective)
<b>Address:</b>	Shoeburyness High School, Caulfield Road, Shoeburyness Southend-On-Sea, Essex, SS3 9LL
<b>Applicant:</b>	Shoeburyness High School
<b>Agent:</b>	Nick Kenney (The Draughtsman)
<b>Consultation Expiry:</b>	02/02/15
<b>Expiry Date:</b>	07/04/15
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	SHS/NAK008 C, SHS/NAK009 C, SHS/NAK/001 and Location Plan
<b>Recommendation:</b>	<b>REFUSE Planning Permission and AUTHORISE ENFORCEMENT ACTION.</b>



## **1 The Proposal**

- 1.1 The application proposes the erection of a single storey extension to the East side of the existing school building. The proposed extension would project from the side of the building by a maximum of 8 metres and would be 10 metres wide. The extension would feature a flat roof built to a height of 3.5 metres. The proposed extension would feature white UPVC cladding to the elevations and would cause the loss of 4 parking spaces.
- 1.2 The application also seeks retrospective permission for the provision of 15 lampposts at the East boundary of the site. Each post measures 5.5 metres tall and the posts are positioned at 8 metre intervals.
- 1.3 Since the submission of the application, it has been drawn to the attention of the Local Planning Authority that CCTV cameras have been installed on four of the posts at a height of approximately 4 metres. The applicant has asked if these installations can also be considered under the terms of this application.

## **2 Site and Surroundings**

- 2.1 The application site is located to the South of Delaware Road, to the North of Caulfield Road and to the West of the residential properties of Antrim Road. The site contains a large building that is used as a secondary school and associated car parking and playing fields.
- 2.2 The part of the site which this application relates to is not the subject of any site specific policy designations. The playing fields are allocated as School Playing Fields and the Sports Centre is allocated as such.

## **3 Planning Considerations**

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area, the impact on residential amenity and the loss of parking at the site.

## **4 Appraisal**

### **Principle of Development**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2, CP4, and CP6, Development Management DPD Policy DM1 and SPD1**

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Policy CP6 states that the improvement of education attainment will be achieved by “supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.”

- 4.2 Also of relevance are Borough Local Plan Policies relating to design and the amenities of neighbouring residents. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed extension to the school is considered to be acceptable in principle. Similarly, it is considered that the provision of ancillary lighting developments could be found acceptable in terms of the general principle of development, subject to the following detailed considerations.

#### **Design and Impact on the Character of the Area:**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1, and SPD1**

- 4.3 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.4 The site contains a number of buildings that form the school, many of which have a modern appearance. The building which is proposed to be extended is functional, but of low aesthetic value. The proposed modern extension would be of a height and mass that reflects the proportions of the existing building. Whilst not being of the same architectural style, it is considered that the variation in architectural style is appropriate and would not harm the character of the existing building in general terms. The proposed extension would be subordinate to the host building, being set well away from the publically visible North and South boundaries of the site.
- 4.5 Section 4.41 of SPD1 states that "Choice of materials can make a huge difference to the success of a building. Sympathetic materials, whether matching or contrasting, can help to integrate a new building or extension with the character of the surrounding townscape." In this instance it is considered that the proposed materials would be consistent with the existing building and the surrounding buildings and would therefore not cause harm to the character of the area to an extent that would justify the refusal of the application on those grounds, however this does not outweigh the harm identified above with respect to the other matters.
- 4.6 The lighting columns at the East boundary of the site do not contribute positively to the appearance of the site. When considered individually it is considered that the lighting columns could be deemed to be no worse in appearance than conventional street furniture or ancillary structures that can be expected to be provided at a place of employment. However, the provision of 15 lighting columns is considered to be excessive and the cumulative impact of the lighting columns is considered to have a significant impact on the character and appearance of the application site, which is exaggerated by virtue of the positioning of the lights at the edge of a residential setting where such intensive provision of equipment is not in-keeping with the character of the area.

- 4.7 The position of lights on columns rather than on the existing building means that any spillage of light could be directed away the neighbouring residential properties and therefore it is considered that the provision of lighting columns could be preferable to the more discreet positioning of lights on the existing building. However, it is considered that the provision of 15 lighting columns exceeds the legitimate lighting needs of an internal access road and causes material visual harm.

**Impact on Residential Amenity:**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))**

- 4.8 Policy DM1 of the Development Management DPD also states 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.”
- 4.9 The single storey form of the extension and the separation distance from the nearest residential properties (35 metres from the dwellings of Antrim Road to the East and 30 metres from the rear of the dwelling of 71 Caulfield Road) ensures that the development would not cause a loss of light within the neighbouring residential properties. The proposed extension would include windows in the West elevation, but these would not cause a loss of privacy within the neighbouring residential properties. It is considered that the use of the proposed workshop can be limited so that the hours of use do not cause undue noise disturbance within neighbouring properties at unreasonable times.
- 4.10 The Southernmost lighting column is located adjacent to a single storey side extension at 71 Caulfield Road, the next lighting column is located approximately 3 metres from a single storey rear extension to that property and two further lighting columns abut the boundary at that property at 8 metre intervals. The properties of Antrim Road have 25 metre deep gardens and as such the remaining 11 lights are located at least 25 metres from the nearest residential properties.
- 4.11 A number of objections have been received from the residents of Caulfield Road with respect to the planning application on the grounds of light pollution caused by the proposed development that affects their ability to enjoy their property, particularly through the illumination of bedrooms.
- 4.12 The Local Planning Authority requested the submission of details of light spillage assessment and in this respect it is noted that the applicant has submitted details of the levels of illumination caused by the lights, with measurements only being taken from within the application site. Due to the angle of the lights at the site, it is considered that the level of illumination is likely to be less in the neighbouring residential properties than at the application site. However, this has not been demonstrated by the applicant and it remains the case that the impact on neighbouring properties has not been fully assessed by the applicant.

- 4.13 The light assessment that has been submitted provides readings that have been taken in respect of three floodlights, with measurements taken at 1 metre intervals to demonstrate how the level of illumination diminishes. It is considered relevant to note that measurements have been taken from directly underneath three of the lighting columns that appear to be identical in all respects and yet the readings taken are 70, 90 and 100 lux. Such significant variation in the output of the lights is considered to require explanation and justification, but no supporting statement has accompanied the readings that have been submitted.
- 4.14 The Secured by Design document “Lighting Against Crime” identifies that 100 lux is a similar level of illumination as is required within warehousing. By comparison this document identifies that lighting of a main road is normally at an average of 15 lux and a residential side street would have lighting levels at an average of 5 lux. Whilst it is noted that the lux levels significantly reduce and this rate of luminance is likely to reduce at a faster rate to the East due to the angle of the lights, it is considered that the lighting is likely to still exceed the lighting levels of the surrounding highways and therefore cause the illumination of the neighbouring properties. It has not been demonstrated to the satisfaction of the Local Planning Authority that the illumination would not be harmful to the amenities of neighbouring residents and as such it is not possible to conclude that the development accords with the abovementioned policies.
- 4.15 The installation of CCTV cameras on the lighting columns is not considered to have any impacts on neighbouring properties (other than in terms of potential impact on the privacy of the occupants of those dwellings). In this case it is considered relevant to note that the use of CCTV is addressed by the Data Protection Act 1998 and is handled by the Information Commissioner’s Office. The privacy of the neighbouring residents is therefore addressed by other legislation.

### **Impact on Highway Safety and Parking Provision**

#### **The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; Development Management DPD Policy DM15**

- 4.16 Policy DM15 requires the provision of adequate parking and servicing facilities. The Parking Standards are expressed as maximum standards and it is considered relevant to note that public transport is available in the locality. The requirements of the abovementioned standards with respect to this proposal would equate to a maximum parking provision at the site of 132 parking spaces to serve the proposed school.
- 4.17 The application form that has accompanied the planning application states that there are currently 120 parking spaces at the site and this would be reduced to 116 spaces. This is considered to be an adequate level of parking provision, in accordance with the maximum parking standards and as such it is considered that the proposal should not be refused on the grounds of the loss of four parking spaces.
- 4.18 The application does not propose any alterations to the point of access to the site and it is therefore considered that the proposed developments would not cause a reduction of highway safety at the site or within the surrounding area.

- 4.19 For these reasons and as no objection has been raised to the proposal by the Highway Authority, it is considered that no objection should be raised on the grounds of parking or highway safety.

### **Community Infrastructure Levy**

- 4.20 The proposed development creates less than 100 square metres of floorspace and is not therefore CIL liable.

### **Other Matters**

- 4.21 Taking enforcement action in this case may amount to an interference with the landowners' and/or occupiers' Human Rights. However, it is necessary for the Council to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

## **5 Conclusion**

- 5.1 The principle of extending an established educational facility is considered to be acceptable in principle due to the content of policy CP6. The modern design of the proposed extension is considered to be acceptable in this instance and the proposals would not have a materially harmful impact on the amenities of neighbouring residents.
- 5.2 The installation of lights can be supported in principle. However, it is considered that the number of lights that have been installed at the site is excessive and gives the East boundary of the site a cluttered appearance that detracts from the character and appearance of the site and the surrounding area. It is also considered that it has not been satisfactorily demonstrated that the lighting that has been installed does not cause harm to the amenities of neighbouring residents.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy), CP4 (Development Principles) and CP6 (Community Infrastructure)

Community Infrastructure Levy Charging Schedule.

Design and Townscape Guide SPD (adopted December 2009)

## **7 Representation Summary**

### **School Development Manager**

- 7.1 The proposal is fully supported.



## **Design and Regeneration**

- 7.2 It is noted that the proposals would result in the loss of parking spaces and may also interrupt pedestrian walkways to the building from the parking area. The extension has a deep footprint, and a slight reduction could help to improve pedestrian access from north-south through the site, if this was considered to be of concern, and further mitigate any visual impact from the street. It is noted that the plans would see the structure clad in upvc, which it is stated is used elsewhere to the building, there would be no objections to this however if planning permission is granted materials should be agreed by condition to ensure that the extension successfully integrates with the main building. It would be desirable however to see some fenestration to the south elevation - a key characteristic of the school - high level windows could be incorporated for example, such as those found elsewhere to the front elevation of the main buildings.. On balance, no objections to extending the building from a design perspective however it may be possible to make some enhancements to the design.

## **Environmental Health**

- 7.3 The Council's Environmental Health Officer has suggested the imposition of conditions to control the impact of the construction works that are associated with the extension to the school. With respect to lighting it is stated that "Limited information has been provided regarding the external lighting at the site. The plan titled actual light spillage results which has been submitted is insufficient. Also no plan has been submitted which shows the relationship of the lights and existing residential properties. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property." A condition has been suggested to address this last matter.

## **Highway Authority**

- 7.4 There are no highway objections to this proposal

## **Public Consultation**

- 7.5 Letters were sent to neighbouring residents on three occasions and a notice was posted at the site. Letters of objection have been received from four neighbouring properties which raised the following objections:

- The lights cause light pollution, exaggerated by light bouncing off the white-clad walls of the school
- The lighting is unnecessary.
- The lighting prevents children from sleeping.
- The lighting prevents the full enjoyment of the garden areas of neighbouring dwellings.
- The first round of public consultation described the development incorrectly.
- The extension should not be taller than the boundary fence.
- Security cameras have also been installed without planning permission.
- The actions of the school shows disregard for the local Planning Authority.

## **8 Relevant Planning History**

8.1 The site has been the subject of a number of planning applications for extensions, fencing and permanent and temporary classrooms. The more recent planning history which is considered to be relevant to this proposal are set out below:

- Planning application 10/00997/BC4 proposed a single storey extension at the east side of the building which was similar, but slightly larger to that which is now proposed. The application also proposed the creation of four parking spaces. That application was approved, but not implemented, and has now expired.
- A two storey building was approved to the West of the main school building under the terms of application 13/00528/FULM. Previously a retrospective application for an entirely different single storey building in the same position had been approved under the terms of application 11/00840/BC4M

## **9 Recommendation**

9.1 **Members are recommended to REFUSE Planning Permission for the following reasons**

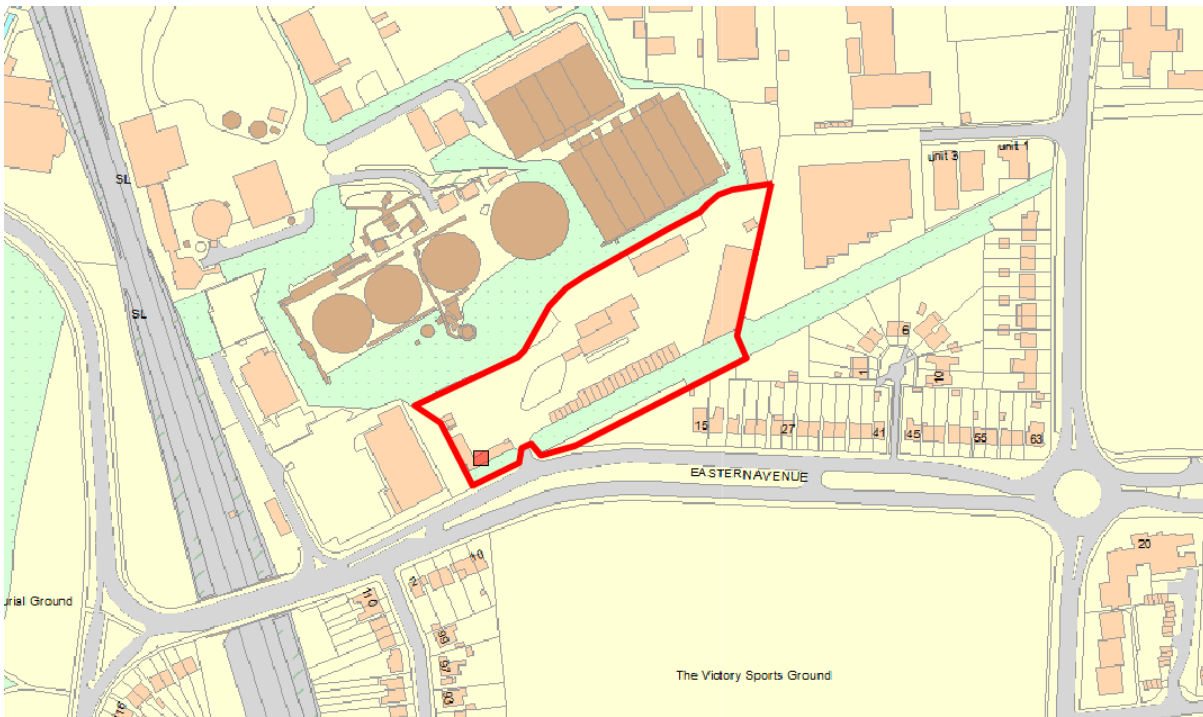
- 01 The lighting columns, by virtue of their excessive number and visual prominence cause the east boundary of the site to have a cluttered appearance that detracts from the character of the site and the surrounding area. It is therefore considered that the proposal is contrary to the National Planning Policy Framework, Core Strategy policies KP2 and CP4 and policy DM1 of the Council's Development Management DPD.**
- 02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the lighting that has been installed at the site does not cause harm to the amenities of neighbouring residents by way of light pollution. It is therefore considered that it has not been demonstrated that the proposal is in accordance with the National Planning Policy Framework, Core Strategy policies KP2 and CP4 and policy DM1 of the Council's Development Management DPD.**

**You are advised that as the proposed extensions to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.**

- 9.2 Members are also recommended to AUTHORISE ENFORCEMENT ACTION to require the removal of fifteen lighting columns along with all associated materials and debris on the grounds that they are visually harmful and detrimental to the amenities of adjacent residents contrary to the NPPF, policies KP2 and CP4 of the Council's Core Strategy (DPD1) and policy DM1 of the Council's Development Management DPD.**
- 9.3 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.**
- 9.4 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a three month compliance period for the removal of the lighting columns is reasonable in these circumstances.**

<b>Reference:</b>	15/01129/AMDT
<b>Ward:</b>	St. Lukes
<b>Proposal:</b>	Application to vary and remove conditions; Variation of condition 02 (amended drawing numbers), condition 03 (parking spaces), condition 04, (hard and soft landscaping), condition 06 (bicycle secure parking), conditions 15, 16 and 17 (contaminated land) condition 20 (surface water drainage scheme) and condition 24 (odour management system). Removal of condition 11 (Fire water tanks and public art), condition 13 (Highway works), condition 29 (pedestrian crossing) and condition 14 (travel plan); demolish existing buildings, erect waste transfer station and ancillary buildings, form vehicle wash area, replacement fuel farm, cycle parking shelter, bunds and acoustic barrier/fence, extend existing weighbridge, layout parking and carry out associated works (Minor Material Amendment to Planning Permission 13/00055/BC3M dated 30/04/2013)
<b>Address:</b>	Cory Environmental Cleansing Depot, Eastern Avenue, Southend-On-Sea, Essex, SS2 4BU
<b>Applicant:</b>	Mr O. Diamond (Veolia)
<b>Agent:</b>	Mr B. Searle (Amec Foster Wheller)
<b>Consultation Expiry:</b>	21/08/15
<b>Expiry Date:</b>	08/10/15
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	37272/A/CVD/001/A, 37272/A/CVD/002/A, 37272/A/CVD/003/B, 37272/A/CVD/004/A, 37272/A/CVD/012/A, 37272/A/CVD/013/A, 37272/A/CVD/014/A, 37272/A/CVD/026/G, 37272/A/CVD/027/A, 37272/A/CVD/029/A, 37272/A/CVD/030/A, 37272/A/CVD/031/A, 21507/100 A, 21507/101 A, A034/01/012, A034/01/012 and 3602530 (7 Plans)
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 Planning permission is sought for a minor material amendment to a planning permission that was granted under the terms of application 13/00055/BC3M which was granted on 30/04/13 and the variation and removal of conditions that were attached to that permission. A copy of the decision notice is included as an appendix to this report which provides the full wording of the conditions and the reasons for attaching the conditions.
- 1.2 The permission was for the demolition of existing buildings, the erection of a waste transfer station, a water storage tank and a fire water pump enclosure, the laying out of parking and associated works. The permission also approved alterations to the access to the site, the modification of the existing public highway including creation of new right hand turning lane, a pedestrian crossing and the provision of associated traffic signal control on Eastern Avenue.
- 1.3 The committee report for that application identified that the key aspects of the approved development are the following:
  - Development of the existing site to include a Waste Transfer Station (WTS) building in which to transfer municipal waste and a replacement road sweeper/gully machine dewatering facility.
  - Revised internal access roads incorporating entry and exit weighbridges, traffic control, and an external hardstanding area for extra parking.
  - Modification of the existing access road, changes to the public highway (Eastern Avenue) to include a right turning filter lane and associated traffic signal control, which will accommodate a new right turn into the Depot and U turn for residential access and a new pedestrian crossing with associated traffic signals. The central reservation opening to the west of the depot entrance will be closed.

- Demolition of existing infrastructure and construction of supporting infrastructure, including: a new building, provision for disposal of surface water, foul water and trade effluent discharges and fire water storage and pumping station.

#### 1.4 **Variation of Conditions**

The application seeks the variation of the following conditions. Beneath each of the conditions is a summary of the reasoning for the applicant's request to vary the condition.

##### **02 (Development in accordance with Approved Plans),**

The applicant wishes to change the plans by which the development is to be undertaken. The differences between the approved and submitted plans are as follow:

- The WTS building footprint would be 2346 square metres rather than 1429.
- The WTS building would measure 13.1 metres tall rather than 11.75 metres tall.
- WTS Building located 14 metres further to the South, thereby being a minimum distance of 28 metres from the North West corner of 15 Eastern Avenue rather than 42 metres.
- The erection of an acoustic barrier fence from the South East corner of the WTS building to the East boundary of the site and along 76 metres of the East side boundary.
- The retention of 595 square metres of the Existing Site Workshop at the East edge of the site rather than its complete demolition.
- The formation of bunds at the South East and North East corners of the site, to the North East and South West of the retained Workshop building. The bunds would be formed from waste materials generated by the development and built to unspecified heights.
- The provision of an enclosed wash bay to the East of the WTS in the position of the previously approved 'Dewatering Area.'
- The relocation of the weighbridges that were previously approved with both being located to the West of the WTS at the North edge of the site. An weighbridge office would be provided that would measure 2.4 metres by 6 metres with a flat roof built to a height of 2.6 metres.
- The erection of a site plant room at the South boundary of the site, 15 metres to the East of the site entrance and to the East of an existing substation. The site plant room would measure 3.2 metres by 4.1 metres with a maximum height of 2.6 metres.
- The relocation of the proposed refuelling tanks to the North side of the WTS rather than between the two weighbridges that were previously proposed.
- The erection of a bike shelter at the South West corner of the site, to the South side of the existing office buildings at the site.
- The reconfiguration of the internal access routes and the proposed parking.

The applicant also advises that a number of operations that currently occur at the site will be relocated to a site at Short Street, Southend.

### **03 (Parking Spaces)**

The applicant now proposes the provision of 36 parking spaces. The condition required that 51 parking spaces would be provided as shown on the approved plans and the condition would therefore need to be varied to reflect the changes to the internal layout of the site that are set out above.

The applicant has justified the reduction of the parking provision on the grounds that fewer staff will be employed at the site than previously expected and a Travel Plan will be utilised. It is stated that street-cleansing, winter highway maintenance and gully emptying teams will operate from Short Street rather than the application site and therefore there will be less employee's based at the site (87 instead of 127) and accordingly less demand for car parking.

A staff survey was undertaken in 2013 and this found that there is parking demand for 37.3% of the refuse collection employees at the site. Allowing for a similar parking requirement for the refuse collection employees at the site and a higher rate of parking demand for office staff and supervisors, the applicant considers that 36 parking spaces will be sufficient to meet the needs of the site.

### **04 (Hard and Soft Landscaping)**

The original condition required a hard and soft landscaping scheme to be submitted and agreed by the Local Planning Authority and also required the applicant to replace any trees that are removed or found to be dying, diseased or damaged within three years of them being planted.

The applicant has submitted the required details with this application and therefore, if found acceptable, it would be appropriate to remove the requirement to submit a landscaping scheme but maintain the requirement for the applicant to replace any planting that is damaged, diseased or dying.

### **06 (Bicycle Storage)**

The applicant now proposes the provision of 20 bicycle parking spaces. The condition required that 34 bicycle parking spaces would be provided as shown on the approved plans and the condition would therefore need to be varied to reflect the changes to the internal layout of the site that are set out above.

The applicant has justified the reduction of the parking provision on the grounds that fewer staff will be employed at the site than previously forecast. It is stated that there would be scope to provide additional cycle parking in the future if required.

### **10 (Lighting)**

Since the submission of the application, the applicant has submitted a Lighting Plan that shows the installation of 38 down ward facing floodlights which would either be fixed to 10 metre tall posts or the existing or proposed buildings at a height of 10 metres. The installation of 10 wall mounted lights to the South elevation of the WTS is also proposed at a height of 10 metres above ground level. The level of lighting proposed would comply with the relevant British Standard for the lighting of industrial sites and storage areas.

### **15, 16 and 17 (Contaminated Land)**

Condition 15 required a contaminated land assessment to be undertaken in respect of the former fuel storage area at the South West Corner of the site. The assessment would have included a desktop study, on-site investigation, a remediation strategy, a verification plan and details of long term monitoring. Condition 16 required a verification report to be submitted and a long-term monitoring plan to be submitted, agreed and implemented. Condition 17 also required the submission and agreement of a long-term monitoring plan of the hardstanding and groundwater at the West of the site, in the vicinity of the former fuel tanks.

The applicant has stated that the required remediation works have been identified and completed and submitted evidence to demonstrate that this is the case. The applicant therefore requests that only the requirement to undertake long-term monitoring of the site is maintained within the conditions.

### **20 (Surface Water Drainage Scheme)**

Condition 20 required the submission of a surface water drainage scheme for the site, with five specific requirements with respect to the content of the drainage scheme.

The applicant has submitted a drainage strategy and therefore requested that the condition is modified to require details of future adoption and maintenance to be submitted and agreed and the implementation and maintenance of the drainage scheme.

### **24 (Odour Management System).**

Condition 24 required the approved odour management system to be installed which involved mechanical ventilation through a stack. The applicant now proposes to install an odour suppression system within the building and a passive venting system. This system will include louvered air vents within the fabric of the building and an internal 'misting system' that would reduce dust and odour. The condition would need to be amended to reflect this different approach to the management of odour at the site.

## **1.5 Removal of Conditions**

The applicant seeks the removal of conditions 11, 13, 14 and 29 of the original permission which are discussed further below. Beneath each of the conditions is a summary of the reasoning for the applicant's request to vary the condition.

### **11 (Fire Water Tanks and Public Art)**

Condition 11 required a scheme of public art to the fire water tank to be submitted and agreed by the Local Planning Authority. Fire water tanks are no longer considered to be required by the applicant and therefore they are no longer proposed. Accordingly, there is no need to decorate the structures and accordingly it is requested that the condition is removed.



## **Condition 13 (Highway Works) and 29 (Pedestrian Crossing)**

Conditions 13 and 29 required the agreement and implementation of the following works:

- The widening of the depot entrance.
- The provision of a right turn lane into the site from Eastern Avenue
- The closure of an existing central reservation opening.
- The provision of traffic controls within the depot.
- The provision of a new pedestrian crossing.

These works have been implemented at the site having previously been agreed with Southend-on-Sea Borough Council and as such the applicant considers that the conditions are no longer required.

## **Condition 14 (Travel Plan)**

Condition 14 required the submission, agreement and implementation of a Travel Plan. The applicant has submitted a revised travel scheme that the applicant considers addresses the requirements of the condition and it is therefore requested that the condition is removed.

## **2 Site and Surroundings**

- 2.1 The 1.8 hectare site is located on the northern side of Eastern Avenue, it lies to the east of an existing Aldi store and there are residential properties to the East. The Anglian Water sewage pumping works lie to the north of the site. A single access point onto Eastern Avenue is situated towards the western end of the site. A bank of deciduous trees lies along the southern boundary of the site, providing screening. Ground level changes significantly across the site and is at its' lowest on the north east corner. Land to the north of the site falls away steeply towards the sewage treatment works. Access to the site is gained from Eastern Avenue.
- 2.2 The site currently contains a number of buildings and structures including: The former Material Recycling Facility (MRF) building approximately within the centre of the site, offices and canteen, storage sheds, wash down areas, a container storage area, vehicle workshops and vehicle inspection ramp, garages, and an electricity substation. The majority of the site is covered in hardstanding. There are 48 car parking spaces within the Depot.
- 2.3 The site is currently occupied by the Council's contractor, Cory Environmental Municipal Services, who currently undertake the Council Waste Collection, Street Cleansing Services and Ancillary Services Contract. The site has an environmental permit for transferring, separating, sorting and processing up to 67,900 tonnes per year of municipal waste. The site has been in use for waste management and emergency services operations purposes since the late 1960's and is currently permitted to operate 24hours a day 7 days a week.

2.4 Current operations at the site include: vehicle maintenance, fuelling parking and storage for the Councils fleet of Refuse Collection and Street Cleansing Vehicles, materials storage, waste transfer, offices, welfare facilities and staff car parking. In addition the local authority emergency responses related to winter gritting/snow clearance, marine oil pollution, flooding and other emergency situations have been dealt with on site.

### **3 Planning Considerations**

3.1 Each condition was imposed for reasons which are fully stated within the decision notice which is included as an appendix to this report. Section 73 of the Town and Country Planning Act 1990 states that applications to undertake developments without compliance with conditions that have previously been attached shall only consider the conditions by which the development shall be undertaken. The Local Planning Authority may determine to remove or vary the conditions or refuse the application. In each case it is considered appropriate to ensure that the conditions meet the tests of a condition that are set out within the National Planning Practice Guidance which requires that conditions are:

- Necessary,
- Relevant to planning,
- Relevant to the development to be permitted,
- Enforceable,
- Precise
- Reasonable in all other respects.

### **4 Appraisal**

#### **Minor Material Amendment of Approved Plans – Condition 2.**

##### 4.1 Principle of amendments

Planning Practice Guidance states that one of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. It goes on to state that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

4.2 The alterations proposed to this development effects the layout of development at the site, but the scale of the buildings and the nature of the development would not be substantially different to that which was proposed and approved previously. It has been possible to undertake public consultation in respect of this application and as such neighbouring residents have been able to comment on the proposed alterations. It is therefore considered that nobody has been disadvantaged through considering the proposed changes under the terms of a minor material amendment rather than insisting upon the submission of a new planning application.

#### 4.3 Design and Impact on the Character of the Area

In the assessment of the previous application it was noted that the new buildings that are proposed would be largely masked from the public domain by virtue of the dense vegetation that exists at the South boundary of the site and the presence of residential and retail properties to the South and West of the application site. It was previously concluded that the building that was proposed by the previous application *“will not appear dominant within its surroundings. It is anticipated that any view of the building will be restricted to the upper sections of the roof of the building.”* The previously approved building measured 11.75 metres tall, but would now measure 13.1 metres tall. Despite this increase in height, it is considered that the building would not be significantly more prominent in views from the public domain, either in close views from Eastern Avenue or longer views of the site that would be possible from the public open space to the South. Where views of the building are possible, it is considered that the views will be fleeting and partially mitigated by the landscaping that exists at the site. For similar reasons, it is considered that the enlargement of the footprint of the building would also not cause the development to have a materially greater impact on the character or appearance of the site or the surrounding area.

4.4 For these reasons, it is considered that the minor material amendments that are proposed by this application would not cause the development to have a materially different visual impact to the development that has been found acceptable at this site.

#### 4.5 Impact on Neighbouring Residents

Since the determination of the previous application, the Local Planning Authority has adopted its Development Management DPD and as such policy DM1 has replaced a number of the policies that would have formed the development plan when the previous application was determined. It is however considered that the content and direction of the policies is not materially different as the objective of the development plan remains to; *“protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*

4.6 The proposal would result in the main WTS building being located 14 metres closer to the properties of Eastern Avenue. The building would be 28 metres from the rear elevation of 15 Eastern Avenue, 33 metres from the rear elevation of 17 Eastern Avenue and 18 metres from the boundary that is shared with those properties. As set out above, it is also the case that the footprint of the building would be larger.

4.7 A band of dense landscaping provides a buffer between the residential properties of Eastern Avenue and Eastern Close and the commercial, industrial and utility uses that are located to the North. Due to this landscaping, which would be enhanced under the terms of this proposal, the orientation of the neighbouring dwellings and the separation distance of 28 metres that would be retained, it is considered that the relocated building would not cause a loss of light or outlook within the neighbouring properties to an extent that would be materially worse than the previous proposal.

- 4.8 With respect to noise, it is noted that the relocation of the building means that more vehicle movements can occur to the North of the proposed WTS building and there is no requirement for vehicles to pass to the South of the building. The WTS building will therefore provide more effective noise mitigation than the previous scheme. The applicant also now proposes an acoustic barrier at the East boundary of the site and between the East boundary of the site and the South East corner of the building.
- 4.9 The Council's Environmental Health team have stated that their previous wishes for the sound reduction features of the roller shutter doors to be considered has now occurred and they are satisfied with this. The only concerns that they have relate to the 'beeping' noise associated with reversing vehicles and the requirement for the roller shutter doors to be kept closed whenever possible.
- 4.10 The Environmental Health Team has raised no objection to the noise that is forecast to be caused by the use of the proposed vehicle wash area. It is however considered that the noise level should not exceed the stated limit and this should be monitored. This matter can be handled under Statutory Nuisance legislation, if necessary, and therefore it is considered that there is ample opportunity to ensure that the installed equipment does not cause undue noise under the terms of other legislation.
- 4.11 The impact of odours arising from the proposed development can be fully considered under the terms of condition 24 below.

#### Traffic Generation

- 4.12 In the assessment of the previous application it was established that the proposed development would generate 90 additional vehicle movements per day, 45 out and 45 in, with these movements being those made by refuse collection lorries and articulated lorries. The applicant's submissions do not change the forecast with respect to refuse vehicle movements. The applicant advises that a number of the other operations that were going to continue at the site will be relocated to the Veolia depot that is currently being constructed at Short Street and therefore there will be less employee movements to and from the application site.

#### Other Matters

- 4.13 In respect of all other matters that were given consideration and weight in the determination of the original application, it is considered that the minor material amendments proposed by this application would not give rise to materially different impacts. The proposed amendments would not materially change the impacts of the development in respect of biodiversity, flood risk, contamination or sustainability. Conditions are in place to enable the further consideration of these matters as far as is relevant and these matters can be given further consideration below.
- 4.14 For these reasons it is considered that the minor material amendments can be found to be acceptable.

### **Variation of Conditions 03 (Parking) and 06 (Cycle Parking)**

- 4.15 The abovementioned conditions required the provision of 51 parking spaces and 34 cycle parking spaces in accordance with the approved plans. The alterations to the plans means that the applicant is now proposing the provision of 36 parking spaces and 20 cycle parking spaces. The applicant's justification for this is set out at paragraph 1.2 above and includes an assessment of the travel patterns of the existing and proposed staff that will be employed at the site and the likely parking demand that this will generate.
- 4.16 The Council's Parking Standards have evolved since the determination of the 2013 application as Policy DM15 of the Development Management DPD has replaced the former parking standards. However, no parking standard is provided for uses of this type and it is therefore considered that parking should be provided at a rate that is proportionate to the needs of the site. In this respect, the applicant has undertaken a logical assessment of the likely parking demand and provided parking at a similar ratio to the parking provision that was supported under the terms of the 2013 application. It is therefore considered that there would be adequate parking at the site for employees and visitors and therefore it would be reasonable to allow the variation of the condition 03. The reduction of parking at the application site would not cause additional, unsafe parking within surrounding highways as the majority of the surrounding roads are the subject of parking restrictions.
- 4.17 The reduction of cycle parking is justified on similar grounds, namely that the reduction of staff employed at the site would result in their being less demand for cycle parking. As with the car parking, it is considered that the approach that has been taken is reasonable and results in there being a proportionately similar amount of parking to the number of people employed at the site as previously proposed. It is therefore considered that the variation of condition 06 can also be found acceptable.

### **Variation of Condition 04**

- 4.18 The condition required the submission and agreement of a scheme of hard and soft landscaping. A soft landscaping scheme has been submitted with this application and is considered to be acceptable.
- 4.19 Condition 05 required the implementation of the landscaping scheme that was approved under the terms of condition 04. In this instance it is considered that conditions 04 and 05 can now be combined to require the implementation of the landscaping scheme that has been submitted under the terms of this application and the replacement of any trees that are removed or found to be dying, diseased or damaged.

### **Variation of Conditions 15, 16 and 17**

- 4.20 It was previously identified that the former fuel tanks at the West of the site were a potential source of contamination and as such it was considered that their presence needed to be mitigated through appropriate remediation of the land. The applicant has advised that this has occurred and therefore the only outstanding requirement of the condition relates to the long term monitoring of the remediation works that have occurred.

- 4.21 The Environment Agency appears to have misunderstood the terms and purpose of the application and have therefore objected to the discharge of the conditions on the grounds that a verification report and more details of future monitoring should be provided. The applicant is not seeking to discharge the condition but amend the conditions to reflect the works that have already occurred. No objection has been raised to the works that have occurred by the Environment Agency, but more details are required for future monitoring. This can be secured by condition and it is therefore considered that the conditions can be varied without posing a threat of pollution and ensuring that works are undertaken in a suitable manner. It is considered that the remaining requirements of the conditions would be largely duplicative and as such it is considered that one succinct condition can suitably replace three conditions. It is considered that in the interests of efficiency for all parties, the conditions are varied to form one suitable condition.
- 4.22 At the time of writing, no comments have been received from the Council's Environmental Health Officers with respect to contaminated land. However, as the works that have occurred at the site have occurred under the stewardship of Southend-on-Sea Borough Council it is presumed that they would have been undertaken to an acceptable standard and it is therefore considered reasonable to proceed on the basis of that assumption. If this is not the case, Officers will advise the Development Control Committee prior to or at the meeting. Whatever advice is received from the Environmental Health Officers, it is considered that this matter will be able to be addressed through conditions, with it potentially being the case that the conditions will be written as set out below or modified to take account of any concerns that are raised.
- 4.23 The parts of the previously imposed conditions that are likely to remain relevant would be largely duplicative and it is therefore considered that the requirements of the conditions can be merged into one condition rather than three.

#### **Variation of Condition 20**

- 4.24 Condition 20 required the submission of a surface water drainage scheme for the site, with five specific requirements with respect to the content of the drainage scheme. The applicant has submitted a drainage strategy and therefore requested that the condition is modified to require details of future adoption and maintenance to be submitted and agreed and the implementation and maintenance of the drainage scheme.
- 4.25 The Council as the lead local flood authority is required to assess surface water drainage impacts for major development. The advice from the Council's Drainage Officer is awaited and will be reported to the Development Control Committee Meeting.

### **Variation of Condition 24**

- 4.25 Condition 24 required the approved odour management system to be installed which involved mechanical ventilation through a stack. The applicant now proposes to install an odour suppression system within the building and a passive venting system. This system will include louvered air vents within the fabric of the building and an internal 'misting system' that would reduce dust and odour. The condition would need to be amended to reflect this different approach to the management of odour at the site.
- 4.26 The view of the Environmental Protection Team will be provided within the supplemental report.

### **Removal of Conditions 11, 13 and 29**

- 4.27 As set out above, conditions 11 and 29 required works to the highways and pedestrian facilities within the vicinity of the site. These works have occurred and as such the conditions are now considered to be unnecessary. The retention of the conditions would therefore fail the tests set out within the NPPF and as such the conditions should be removed.
- 4.28 Similarly, as the applicant is no longer proposing the erection of fire water storage tanks on the grounds that the above ground fire water tanks are no longer necessary, the provision of public art on those tanks is impossible and unnecessary. The amended plans show that a fire sprinkler tank will be provided. The condition is therefore now considered to be redundant and as such the retention of the condition would fail the tests set out within the NPPF. The condition should therefore be removed.

### **Removal of Condition 14**

- 4.29 Condition 14 required the submission, agreement and implementation of a Travel Plan. The applicant has submitted a travel plan that the applicant considers addresses the requirements of the condition and it is therefore requested that the condition is removed.
- 4.30 The advice received from the Senior Transport Officer is that the submitted Travel Plan should be viewed as a draft document and there are further actions that will be required. It is considered that a Travel Plan Co-Ordinator should be appointed, staff surveys are required to be undertaken, targets should be set and other details need to be amended.
- 4.31 It is considered that this advice is appropriate to follow. The submitted Travel Plan provides a generic overview of the options that exist, but does not indicate how these will be implemented. In the absence of established targets, it is considered that the success of the Travel Plan would not be able to be monitored and there would therefore be no reasonable prospect of the actions being implemented. It is therefore considered that the submitted Travel Plan is inadequate and therefore the condition should be retained.

## **Condition 10**

- 4.32 Since the submission of the application, the applicant has submitted a Lighting Plan that shows the installation of 38 down ward facing floodlights which would either be fixed to 10 metre tall posts or the existing or proposed buildings at a height of 10 metres. The installation of 10 wall mounted lights to the South elevation of the WTS is also proposed at a height of 10 metres above ground level.
- 4.33 The lighting that is proposed is considered to be proportionate to the use of the site and would not cause unreasonable spillage of light to the detriment of the character of the area or the amenities of neighbouring residents. The lights that are proposed will be installed to face downwards or would include shields to prevent undue uplighting. It is therefore considered that the proposed lighting scheme can be found acceptable and condition 10 can therefore also be modified.

## **Other Matters**

- 4.32 With respect to the other conditions that were imposed, Planning Practice Guidance states:

*“Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.*

*A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.*

*As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.”*

- 4.33 For these reasons it is considered appropriate to impose an amended set of conditions that is largely based on those previously used, but without those that are no longer necessary.
- 4.34 Since the determination of the previous application, the Council has adopted the Development Management DPD to replace a number of the policies of the Borough Local Plan. It is considered that the reasons for imposing conditions should be amended to reflect the different planning policies of the development plan as appropriate.
- 4.35 It is noted that the previously required highway works have occurred, and as such it is considered that there is no need for highway land to be included within the application site. There is therefore no objection to the alteration of the application site boundary.



## **Community Infrastructure Levy**

- 4.36 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a net increase in gross internal area of 917 square metres (taking into account a deduction equivalent to the floorspace that was approved under the terms of the original application) which equates to £9,170.

### **Summary**

- 4.31 For the reasons set out above, it is considered that the minor material amendments shown on the amended plans can be found acceptable. It is considered that conditions 02, 03, 06 and 10 can be varied and the remaining parts of conditions 04, 05, 15, 16, and 17, can be merged into two conditions rather than 5. It is also expected that conditions 20 and 24 will be able to be varied in accordance with the applicant's requests, but this will be confirmed once the appropriate specialist advice has been received.

Conditions 11, 13 and 29 should be removed. It is considered that condition 14 should be retained and a condition should be added to require the heights of the bunds and details of the proposed acoustic screens to be submitted and agreed in writing by the Local Planning Authority.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles).
- 5.3 Development Management DPD Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Essex and Southend Waste Local Plan 2001
- 5.6 Design & Townscape Guide 2009 (SPD1).

## **6 Representation Summary**

### **Design & Regeneration**

- 6.1 No comments received.

## **Traffic & Highways**

- 6.2 The application includes evidence within the revised transport statement that the site can accommodate a reduction in car parking on site based on the reduced staffing levels for the new facility. The proposed 36 car parking spaces meets the current DPD guidance and therefore no highway objections are raised. The reduction in cycle parking is also accepted due to the reduced staffing levels.
- 6.3 Highway works associated with the development on Eastern Avenue which include a signalised junction to assist the entry/exit of waste vehicles have already been constructed.
- 6.4 It is considered that the travel plan condition is retained as this is a living document and will evolve during the life of the contact with the waste provider. It has been advised that the submitted Travel Plan should only be viewed as a draft as it requires additions and alterations. It is also considered that parts of the condition should not be removed as the condition requires the success of the travel Plan to be monitored and adapted as necessary.

## **London Southend Airport**

- 6.5 London Southend Airport have no objection to the application provided that the development is designed to be CAP 168 compliant and its height does not exceed an elevation of 36 metres. The permission of London Southend Airport would also be required if a piling rig or crane is used in the construction of the proposed development.

## **Essex County Fire and Rescue Service**

- 6.6 It has been advised that the access to the site is satisfactory. The need to comply with building regulations and the merits of including sprinkler systems within developments has also been highlighted.

## **Environment Agency**

- 6.7 The Environment Agency has advised that the conditions should not be discharged. They have expressed disappointment that evidence of sample testing has not been submitted and they are not therefore able to confirm that all significant contamination has been removed. They also set out that further monitoring should be undertaken to demonstrate that further remedial work is not required.

## **Environmental Protection Team**

- 6.8 Initial advice has been provided with respect to the amended layout of the development, highlighting that the positioning of the WTS building and its orientation would provide a stronger buffer between the operations of the site and neighbouring residents than the previously approved development. It is considered that the roller shutter doors should be kept closed whenever possible and conditions should be imposed to control noise derived from reversing vehicles and the vehicle wash area.

- 6.9 No comments have been provided with respect to the odour control system that is proposed or the mitigation of contaminated land at the site.

### **Public Consultation**

- 6.10 Site notices were displayed at the site and neighbours were notified of the application.
- 6.11 One letter of objection has been received which objects on grounds that the use of the site causes odours, particularly from the cleaning of vehicles, that is detrimental to residential amenity. It is considered that the existing and proposed uses are not appropriate in close proximity to residential properties and therefore efforts should be made to find an alternative use for the site and merge the Council's waste handling function with Rochford District Council.

## **7 Relevant Planning History**

- 7.1 Planning permission was granted for the erection of a Waste Transfer Station and associated developments under the terms of application 13/00055/BC3M. The conditions of that permission are the subject of this application.
- 7.2 In 2012 a request for a Screening Opinion in relation to the provision of a waste transfer station at the site was submitted (12/00414/RSE). The Local Planning Authority determined that an Environmental Impact Assessment would not be required.
- 7.3 Outline permission was granted for the erection of a waste transfer station at the site under the terms of application 06/00166/OUT.
- 7.4 The site has an established waste related use and has been operating since 1968.

## **8 Recommendation**

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

- 01 The development hereby permitted shall begin not later than three years from the date of the original decision (30 April 2013).**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990. (R01A)**

- 02 Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers: 37272/A/CVD/001/A, 37272/A/CVD/002/A, 37272/A/CVD/003/B, 37272/A/CVD/004/A, 37272/A/CVD/012/A, 37272/A/CVD/013/A, 37272/A/CVD/014/A, 37272/A/CVD/026/G, 37272/A/CVD/027/A, 37272/A/CVD/029/A, 37272/A/CVD/030/A, 37272/A/CVD/031/A, 21507/100 A, 21507/101 A, A034/01/012, A034/01/012 and 3602530 (7 Plans)**

**Reason:** In the interests of residential amenity and general environmental quality, in the interests of sustainability, amenity and highways efficiency and safety, in the interests of visual amenity in accordance with DPD1 (Core Strategy) policies KP1, KP2, CP1, CP3, CP4, CP6, DPD2 (Development Management) policies DM1, DM2, DM14 and DM15 and SPD1 (Design and Townscape Guide).

- 03** Thirty Six (36) car parking space(s) shall be provided in accordance with plan 37272/A/CVD/003/B prior to first use of the building(s) hereby approved and shall thereafter be permanently retained for the parking of vehicles of people working in the building or calling there for business purposes unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that satisfactory off-street car parking and turning provision is provided for people using the development in the interests of amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM15 and SPD1 (Design and Townscape Guide).

- 04** All hard and soft landscape works shall be carried out in accordance with the approved details submitted in accordance with 37272/A/CVD/012/A. The works shall be completed within the first planting season following practical completion of the development or in accordance with a programme submitted to and approved by the Local Planning Authority.

If any trees are removed or found to be dying, severely damaged or diseased within 3 years; of planting them, they must be replaced with trees of a similar size and species.

**Reason:** To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the Local environment and biodiversity in accordance with DPD1 (Core Strategy) policy KP2 and CP4, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guide)

- 05** No part of the development shall be occupied until 20 secure, covered bicycle parking spaces have been provided in accordance with plans 37272/A/CVD/003/B and 37272/A/CVD/031/A and the spaces shall be permanently maintained thereafter unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance with DPD1 (Core Strategy) 2007 policy KP2, DPD2 (Development Management) policy DM15 and SPD1 (Design and Townscape Guide).

- 06 Demolition or construction works shall not take place outside 07.30 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To protect residential amenity and general environmental quality in accordance with, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management) policy DM1.**

- 07 The hardstanding shown on the approved plans shall be installed prior to first occupation of the development and shall be permanently maintained thereafter. The condition of the hardstanding should be reviewed on a 6 monthly basis and any hardstanding which is in a poor state of repair should be replaced unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To ensure that any contamination is treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2.**

- 08 No burning of construction or demolition waste is to take place on the site.**

**Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4 and DPD2 (Development Management) Policy DM1.**

- 09 No lighting shall be installed at the site other than in accordance with the Lighting Plan Short Statement and plan 37272/A/CVD/027/A unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4 and DPD2 (Development Management) Policy DM1.**

- 10 Prior to first use of the buildings hereby approved photovoltaic cells shall be installed along the south facing roof of the WTS in accordance with details set out in the Renewable Energy Statement dated August 2012 and submitted with the application and shown on the roof plan drawing 37272/A/CVD/014/A and on elevation drawing 37272/A/CVD/004/A. The cells shall remain operational for the lifetime of the development unless otherwise agreed in writing by the local planning authority.**

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with DPD1 (Core Strategy) policy KP2 and CP4, and DPD2 (Development Management) Policy DM2 and SPD1 (Design and Townscape Guide).**

- 11 The use of the development hereby approved shall not commence until a Travel Plan has been submitted to and agreed in writing by the local planning authority, the Travel Plan shall be implemented in accordance with the approved details.**

**Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with DPD1 (Core Strategy) 2007 policy KP2, CP3 and CP4, and DPD2 (Development Management) Policy DM15 and SPD1 (Design and Townscape Guide.**

- 12 No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall relate to hardstanding and groundwater in the west of the site in the vicinity of the former fuel tanks only. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To protect and prevent pollution of the water environment and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM14.**

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

**Reason: To protect and prevent pollution of the water environment and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM14.**

- 14 No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment.**

**Reason: To prevent the mobilisation of contaminants within the made ground and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2.**

- 15 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:**

**o Infiltration testing across the site in accordance with BRE365, and the infiltration test results.**

**o The scheme will fully investigate the feasibility of infiltration SuDS as a preference. Details of the location and sizing of the proposed infiltration drainage systems to dispose of the surface water.**

**o The discharge rate to the Anglian Water sewer will be at the agreed rate of 1.2l/s.**

**o Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.**

**o Details of how surface water will be conveyed within the proposed system and calculations demonstrating that conveyance networks are appropriately sized.**

**o A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.**

**o Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

**Reason: To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with DPD1 (Core Strategy) 2007 policy KP2.**

- 16 The roller shutter doors to the Waste Transfer building shall be kept closed at all times except when vehicles are entering and exiting the building.**

**Reason: To prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.**

- 17 The level of noise emitted from the site shall not exceed 55dB between 07:00-23:00 Monday to Saturday as determined at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997.**

**Reason: To prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.**

- 18 The rating noise level of the noise emitted from the odour control plant, including the flue termination, shall not exceed the existing background noise level at night (23:00-07:00hrs) determined to be 32dB by more than 10dB. The noise levels shall be determined at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997.**

**Reason: To protect and prevent noise pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.**

- 19 An odour management system as described in the submitted Air Quality Assessment dated June 2015 shall be installed to the Waste Transfer building, prior to first use of that building and shall remain operational thereafter.**

**Reason: To prevent pollution of the environment and to protect the amenities of surrounding occupiers in accordance with DPD1 (Core Strategy) 2007 policy KP2 and DPD2 (Development Management) Policy DM1.**

- 20 No building demolition shall take place until the buildings have been inspected by an ecologist to identify evidence of bird breeding activity. If such activity is found, works shall be delayed until young birds have fledged.**

**Reason: To minimise the risk of disturbance to nesting birds in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4.**

- 21 The "Recommendations" set out in section 5.2 paras 5.2.1 - , 5.2.3 of the submitted Extended Phase 1 Habitat Survey Report dated February 2012, shall be fully implemented during the demolition and construction phase of the development, and the Enhancement and Management requirements set out at para 5.2.4 shall be implemented prior to first use of the WTS building, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To minimise the risk of disturbance to protected wildlife and to enhance the biodiversity of the site in accordance with DPD1 (Core Strategy) 2007 policy KP2 and CP4.**

- 22 The "Recommendations" set out at section 10.2 of the Executive Summary, contained within the Site Investigation (Interpretive Report) prepared by Amec Environmental and Infrastructure U.K dated August 2012 shall be implemented during construction and following first occupation of the WTS building as appropriate.**



**Reason: To ensure that the development does not cause pollution in accordance with DPD1 (Core Strategy) 2007 policy KP2.**

- 23 The existing boundary treatment along the eastern boundary of the site (with Aldi) shall be retained unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1**

- 24 Prior to their installation, details of the appearance and materials of the acoustic screens shall be submitted to an approved in writing by the Local Planning Authority. The approved screens shall be installed prior to the first use of the Waste Transfer Station and shall be permanently retained.**

**Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1.**

- 25 Prior to the formation of the bunds that are shown on the plans at the East boundary of the site (referred to as "Top Soil Stock Piles on plan 215075/100A), details of the proposed maximum height, gradients and soft landscaping of the bunds shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To maintain screening of the adjacent site in order to protect the amenities of occupiers in accordance with DPD1 (Core Strategy) 2007 Policies KP2 and CP4 and DPD2 (Development Management) policy DM1**

**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.**

#### **Informative**

**Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) .**