

Reference:	16/02045/FULM	
Ward:	Leigh	
Proposal:	Demolish existing building and erect 5 storey building incorporating 22 self-contained flats with balconies/terraces, layout parking and cycle stores at basement level, refuse store and amenity space.	
Address:	Riley's, 258 Leigh Road, Leigh-on-Sea, Essex, SS9 1BW	
Applicant:	Property Generation Services Limited	
Agent:	Pomery Planning Consultants	
Consultation Expiry:	23.02.2017	
Expiry Date:	14.07.2017	
Case Officer:	Janine Rowley	
Plan Nos:	01 Site Location Plan; 02 Existing plans and elevations; 03 Proposed Site Plan & Parking Revision D; 05 Proposed Plans 0-3 Revision E; 06 Proposed fourth floor and roof plan Revision B; Proposed elevations north and south revision C; Proposed elevations east and west revision C	
Recommendation:	Delegate to the Head of Planning and Transport or the Group Manager Planning to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).	



1 The Proposal

1.1 Planning permission is sought to demolish the existing building and erect a 5 storey building incorporating 22 self-contained flats with balconies/terraces, layout parking to the basement and ground floor, cycle stores at basement level, refuse store and amenity space to the rear.

1.2 The details of the scheme are summarised as follows:

Units	2 x 1 bedroom (2 persons) 50sqm 13 x 2 bedroom (3 persons) 61sqm-63sqm 7 x 3 bedrooms (4 persons) 81 sqm and (6 persons) 96sqm-108sqm
Parking	22 car parking spaces (22 cycle spaces for residential)
Amenity space	131sqm including terraces (plus private balconies to each flat)
Height (max)	5 storey (12.3m to 14.1m)
Width	27.3m
Depth	16.8m to 22.5m (including a splayed rearward projection)

1.3 The floors will include:

- Ground floor- 1 x 1 bedroom, 3 x 2 bedroom and 1 x 3 bedroom flats;
- First floor- 1 x 1 bedroom, 2 x 2 bedroom and 2 x 3 bedroom flats;
- Second floor- 4 x 2 bedroom, 1 x 3 bedroom
- Third floor 4 x 3 bedroom, 1 x 3 bedroom
- Fourth floor 2 x 3 bedroom

1.4 The proposed amenity space serving the flats would be located at ground level to the south of the building amounting to 90sqm. In addition each flat from ground to third floor would benefit from private balconies and to the fourth floor are terraces serving the two units.

1.5 The building would front onto Leigh Road and would be set on the same building line as the existing building, which is set forward of the properties to the east by 1.2m and to the west by 2.8m. The existing building to be demolished is 12.4m high by 26.4m deep by 22.9m wide.

1.6 The previous history to this site is of some relevance. Application 10/01748/FULM sought permission to demolish the existing buildings, erect a 5 storey building incorporating a 720sqm replacement leisure facility (class D2) and 20 self-contained flats with balconies/terraces and a 4 storey building incorporating 18 self-contained flats, parking at basement level, refuse store and amenity area and access onto Maple Avenue. Application 10/01748/FULM was allowed at appeal reference appeal reference A/11/2150238/NWF.

- 1.7 Under application 10/01748/FULM the building fronting Leigh Road was five storeys measuring 28.1m wide, by 14.9m high, by 15.5m to 19.9m deep.
- 1.8 The site has now been split whereby the rear part of the site of planning application 10/01748/FULM has been redeveloped for 8 two storey houses.
- 1.9 The current application is accompanied by an assessment of economic viability, leisure facilities assessment, energy assessment, transport statement, waste management plan, stage 1 road safety audit, ecology report and a planning statement.

2 Site and Surroundings

- 2.1 The site lies on the south side of Leigh Road and includes a large two to three storey building (although due to the floor heights of the building it is equivalent of a 4 storey building on the Leigh Road frontage). The building is currently vacant but was previously used as a bowling alley and snooker hall.
- 2.2 To the north of the site is a mix of 1 to 3 storey commercial and residential buildings of various styles. To the immediate east of the site is a 4 storey residential block (Leigh Cliff Heights), with a pair of modest 2 storey semi-detached properties (which are in fact 2 flats) behind this, on Leigh Cliff Heights. To the immediate west is a 4.5 storey residential block in a 'mock Tudor design' and two storey terraced properties lie to the immediate south of the site on the Maple Avenue Frontage.
- 2.3 The wider area is generally residential in character, with commercial uses along the main road arteries. The predominant building style is late Victorian and early-20th Century bay-fronted dwellings, but the period and character on Leigh Road is more varied.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, parking implications, sustainability, developer contributions and CIL.

4 Appraisal

Principle of development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, CP4, CP6, CP7, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8, DM10, DM11, and DM15 and the Design and Townscape Guide SPD1 (2009)

Loss of Leisure Use and Principle of Residential Development

- 4.1 Paragraph 74 of the National planning Policy framework 2012 advises that existing open space, sports and recreation buildings and land, should not be built on unless an assessment has been undertaken which shows the open space, buildings or land to be surplus to requirements or that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a suitable location, or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.
- 4.2 Core Strategy policies CP6 and CP7 seek to maintain and improve leisure facilities unless other facilities of a higher standard are being provided in a conveniently accessible location for the local community.
- 4.3 The history of the leisure use on site is as follows:

	Leisure floorspace (m²)
Original building	2,100 (approximately)
10/01748/FULM- to erect a five storey building fronting Leigh Road containing 20 flats and a building to the rear fronting Maple Avenue containing 18 flats. Allowed under appeal reference APP/D1590/A/11/2150238.	720 (approximately)
Allowed under application reference 11/01709/FUL (erection of 8 dwellinghouses along Maple Avenue)	720 (approximately)
Currently sought	None

- 4.4 The application is accompanied by supporting information in relation to the loss of the leisure facility. Part 3 of policy CP6 of the Core Strategy states:
- “Safeguarding existing and providing for new leisure, cultural, recreation and community facilities, particularly:
- optimising the potential of Garon’s Park;
 - Phase 2 of the refurbishment of the Cliffs Pavilion;
 - Securing a landmark facility to exhibit finds associated with the 7th Century Saxon King;
 - Reinforcement of Southend Pier as an Icon of the Thames Gateway;
 - Cliff Gardens Land Stabilisation”.
- 4.5 The applicant contends the above policy does not provide guidance as to how the protection of such uses should be measured. Furthermore, criteria 1, 2 and 4 of policy CP6 of the Core Strategy relates to specific community projects or locations not relevant to this site.

- 4.6 Policy CP7 of the Core Strategy focuses upon safeguarding sport, recreation and green space including bowls clubs, tennis clubs, allotments, parks and sports pitches. There are no specific policies contained within the Development Management Document that are relevant to leisure facilities other than paragraph 3.18 which seeks to promote Southend on Sea as a major tourist destination and has long had a leisure and cultural infrastructure of regional significance.
- 4.7 As stated above this application is accompanied by a leisure facilities needs assessment carried out by Ploszajski Lynch Consulting Limited May 2017. The leisure use ceased trading March 2015 and has been marketed for leisure purposes by Ayers and Cruiks. This states that not one query has been received in relation to the site. Ayers and Cruiks believe the site has not attracted interest due to the gym relocating to Pall Mall, Leigh Cliff buildings to the south of the site providing daily activities including karate to Pilates and the bowling alley at the Kursaal 3 miles away is the main focus given the location for tourists in particular. The Riley's snooker club in Alexandra Street has also ceased trading due to the business no longer being viable.
- 4.8 The overall findings of the leisure facilities needs assessment in Leigh on Sea has reviewed the supply and demand of leisure facilities including quantity, quality, accessibility and availability of facilities in Leigh on Sea. The applicants state that the main conclusions are, that due to the overall size of the site, the space is rather limited for a leisure facility to compete with larger facilities and there is adequate provision within Leigh on Sea to meets the demands of the existing and future population at this time. Sport England states that 90% of leisure facilities access their chosen sites by car and the site is constrained in the fact there is no off street parking, which undermines the viability of site to attract a leisure use particularly given the high levels of parking stress in the area.
- 4.9 The National Planning Policy Framework advises that the best and most efficient use of land should be sought. It also requires local authorities to consider whether housing is appropriate on commercial and industrial sites.
- 4.10 Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”*
- 4.11 Policy CP8 requires that development proposals contribute to local housing needs and identifies that 80% of residential development shall be provided on previously developed land.
- 4.12 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*

- 4.13 Overall, taking into account the supporting evidence, the location of the site, which is bounded by residential properties the amenities of which could potentially be affected by the unrestricted leisure use of the site, on balance, the loss of the leisure facility is not objected to and the provision of 22 new homes in this area is supported by policy CP8 of the Core Strategy and policy DM7 of the Development Management Document DPD2.

Dwelling Mix

- 4.14 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. The Council seek to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below.

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	9%	59%	32%	0%

- 4.15 It is therefore the case that the proposed development would not provide a development that would entirely reflect the Borough’s housing need and housing demand as set out in Policy DM7 of the Development Management Document DPD2.
- 4.16 The proposal would result in 2 x 1 bedroom units, 13 x 2 bedroom units and 7 x 3 bed units. Whilst the proposed development does not accord fully with requirements of Policy DM7, the applicant has submitted evidence from local estate agents and viability assessment demonstrating that the market trend in the area is mainly for the proposed mix, when this relates to flatted schemes. Paragraph 50 of the National Planning Policy Framework states that *‘plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community’*. Therefore, the dwelling mix, as proposed, on balance, taking into account the market need in the area the proposal is considered acceptable.

Design and Impact on the Character of the Area

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management) policies DM1 and DM3 and the Design and Townscape Guide (SPD1).

- 4.17 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8.

Amongst the core planning principles of the NPPF includes to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*” Paragraph 56 of the NPPF states; “*the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” Paragraph 64 of the NPPF states; “*that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*”

- 4.18 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.19 Policy DM3 states that “*The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.*” Moreover, policy DM1 states that development should “*Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features*”.
- 4.20 This section of Leigh Road has a varied character and is generally mixed use including commercial units and residential properties.
- 4.21 In terms of scale, the building would be up to five storeys high with a height of 12.3m to 14.4m when viewed from Leigh Road. The building, whilst set 1.8m above the existing building to the east of the site, will be set down below the ridge height of the property to the west of the site. The top floor would be set back 2.2m from the front and flank facades. This would reduce the perceived height of the building to little more than a four storey building when viewed from ground floor level. This set back, along with the articulation of the façade, would result in a building that would not appear over-scaled within its proposed context.
- 4.22 In terms of design and appearance, the building would be a simple contemporary design. The design uses box projections to the front and balconies to break up its massing and louvres adding interest to the streetscene. This approach breaks up the mass of the development and provides an attractive elevation. The fenestration proportions, in terms of their length reflect the character of the existing buildings to the east and west in a contemporary design.
- 4.23 The proposed materials to be used in the construction of the development have been submitted for consideration within a materials schedule including bronze aluminium cladding to the front entrance and penthouse, projecting box features include brick, aluminium cap and cover in bronze, light grey acrylic render, louvered panel set in line with windows with matching aluminium surround, low profile Juliet balconies in aluminium with brick opening, aluminium windows and doors, red brickwork and white render.

The overall appearance in terms of the detailing and materials should make a positive contribution to the streetscene. This design approach is considered acceptable on this main artery into the town, where buildings of various designs and ages exist. The immediate area does not have a specific character and the proposed scheme has the potential to improve and create local character in accordance with current planning policy.

- 4.24 With respect to the overall layout, 22 flats can satisfactorily accommodate within the envelope of the building. The floorplans submitted indicate all units would be of a reasonable size, and with sufficient circulation space, outlook and balconies and this will be discussed in further detail below.
- 4.25 The proposed layout would be set on roughly the same building line as the existing building set forward of the buildings to the east and west of the site.
- 4.26 The position and size of refuse stores and cycle stores are shown on the plans. A residential bin store, and cycle store can be adequately accommodated to the rear of the building, and accessed from the basement parking area.
- 4.27 The residential entrance is shown off Leigh Road and the parking area via Maple Avenue to the south. The parking within the basement level will be accessed via an existing road from Maple Avenue that previously served the commercial premises.
- 4.28 In terms of landscaping, the proposals includes a green wall to be located on the south east elevation adding interest and biodiversity to the proposed development including details of the species and green wall system that will be used and further details can be sought by a way of condition. Whilst no details have been submitted in relation to the soft landscaping proposed at ground floor level to the amenity area and access road this could be dealt with by condition to enhance the overall character and appearance of this development and provide a positive contribution to this part of Leigh Road.
- 4.29 The proposal is considered to improve the current streetscene, which is somewhat dominated at present, by the existing building, which is of a poor visual quality and has no architectural merit. The proposal is considered to comply with the above policies.

Impact on Residential Amenity.

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1 and DM3 and Design and Townscape Guide.

- 4.30 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

“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;”

- 4.31 It is not considered the proposed development will be harmful to the amenities of properties to the immediate north of the site taking into account the overall separation distance and given the nature of the existing buildings to the east and west in terms of overall scale.
- 4.32 The building would project 8.4m further rearward than the rear of Leigh Cliff Heights at ground floor level, which is similar to that previously accepted under application 10/01748/FULM. Leighcliff Heights on the eastern boundary has a depth of 9.2m and the proposed development would have a depth of 9.9m including the projecting balconies to the front of the building. The applicant has demonstrated the proposal complies with the notional 45 degree rule and whilst there would be some loss of light to immediate upper floor windows in Leigh Cliff Heights, the orientation and position of windows mean that the development would not have a significant additional impact compared to the existing situation.
- 4.33 The majority of the windows and balconies in the rear of the Leigh Road elevation would be of sufficient distance from the backs of houses in Maple Avenue with some 19m to rear of properties 35, 37 and 41 and Leigh Cliff Road so as not to result in material overlooking. The eastern-most south facing balconies would not be afforded views from their east flanks due to screening, thus would not have direct views over the properties in Leigh Cliff Road. The rear elevation has been splayed, and the flats will include Juliet balconies however a screen is proposed to mitigate against overlooking. A condition to ensure adequate screening is retained is recommended.
- 4.34 The proposed development, although higher than the existing building, would not extend the full depth of the site, and therefore would represent an improved situation in terms of the outlook from the rear of neighbouring properties in Leigh Cliff Road. It would result in greater enclosure to the south of the rear gardens of properties in Maple Avenue and have an increased impact in this respect. However, taking into account the overall relationship with the existing building on the site, it is not considered the resultant relationship would be materially worsened compared to the present.
- 4.35 The proposed development would reduce the overall impact of noise and disturbance in comparison to the associated with the current leisure use, given the scheme is for 100% residential flats. Although it is acknowledged the vehicle movements from Maple Avenue will increase in terms of amenities enjoyed by existing occupiers at 35, 37 and 41 and Leigh Cliff Road, the noise impact is considered negligible.

Standard of Accommodation:

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.

4.36 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

- Minimum property size for residential units shall be as follow:
 - 1 bedroom (2 bed spaces) 50sqm
 - 2 bedroom (3 bed spaces) 61sqm
 - 3 bedroom (4 bed spaces) 74sqm
 - 3 bedroom (6 bed spaces) 95sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

-
- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m².
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.

- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.37 The proposed flats would be built to meet the standards that have been set out at paragraph 4.36 above. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook and refuse and cycle storage facilities are provided. The proposal is therefore considered to be in accordance with the abovementioned policies and guidance.

4.38 With regard to external amenity space, a communal garden area is proposed at ground floor to provide amenity space for the flats that would have an area of 90 square metres. This amounts to 4.5sqm of shared amenity space per flat excluding the two flats to the fourth floor that benefit from private terrace areas. In addition to this shared provision, all of the remainder 20 flats would also be served by balconies measuring at least 5.2 square metres per flat which, when combined with the communal amenity area, would ensure that the overall provision of amenity space at the site would be appropriate for the occupants of the proposed flats. Taking into account all of the above points, the level of amenity space proposed is considered acceptable.

4.39 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible. The applicant's planning statement sets out that the units have been designed to accord with these standards. It is therefore considered that, subject to the imposition of a condition to ensure compliance with the standards, no objection is raised to the application on those grounds.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

4.40 The existing highway has parking restrictions to the front of the site and there is an access road to the rear of the site that does not benefit from a vehicle crossover. Currently the site has no off street parking serving the existing D1 leisure use.

4.41 The site is considered to be within a sustainable location, close to the Leigh on Sea centre, on a bus route. Policy DM15 of the Development Management Document seeks 1 space per flat. This would equate to a maximum requirement of 22 spaces. The proposed development will provide 22 parking spaces, which is policy compliant.

- 4.42 The vehicle access to serve the development is proposed from Maple Avenue to the south, measuring 5m wide and this will provide access to the 22 parking spaces within the basement and at ground level together with servicing and refuse collection. No objections have been raised by the Councils Highway Officer in relation to the parking provision and vehicle crossover from Maple Avenue. There is sufficient space within the site for vehicles to exit in forward gear and passing places to ensure traffic does not become backed up along Maple Avenue. Whilst the proposal will result in the loss of one parking space along Maple Avenue taking into account the benefits of new housing in this location and the removal of the existing leisure use, no objection is raised.
- 4.43 The transport statement accompanying this application states that the proposed development would generate less than one vehicular trip every 12 minutes and would therefore have negligible impact on the local highway network. Furthermore, the applicant has submitted a Stage 1 safety audit which demonstrates that the provision of visibility splays and other mitigation measures will ensure that the proposed development are not considered harmful to the highway network. Subject to the mitigation measures recommended within the safety audit, the development would not impact upon highway or pedestrian safety, nor result in vehicle conflict to a degree that would justify a refusal of planning permission
- 4.44 Thus, the proposal is in accordance with policy CP3 of the Core Strategy and policy DM15 of the Development Management Document, enabling cars to exit in forward gear.

Waste Management

- 4.45 In terms of servicing, there are currently restrictions in place on Leigh Road to the front of the site, however the existing leisure use has been serviced from this area in the past. The application is accompanied by a waste management plan stating the refuse storage will provide storage for four waste containers within 25 metres of the highway, which currently falls outside of current policy guidance however; this can be dealt with by condition to ensure full details of waste management for the development are provided including collection details and times.

Cycle storage

- 4.46 At basement level 22 cycle spaces are proposed within a secure location. The cycle parking provision is policy compliant with policy DM15 of the Development Management Document and further details of how the cycle's will be stored will be dealt with by condition.
- 4.47 Subject to the above, the proposal is considered to comply with the relevant highways policy in terms of access and level of parking provision, servicing and cycle/refuse storage.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policies DM1, DM2 and SPD1

- 4.48 Policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”* and that *“at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.49 The applicant has submitted an energy report stating that an area of 310sqm of the roofspace could successfully provide 200 panels equivalent to 50kW, which can be provided on site complying with policy KP2 of the Core Strategy and policy DM2 of the Development Management Document. Whilst the calculations of the renewable energy have not been provided at this stage, it is considered that this would be adequate to address the abovementioned requirements through the imposition of a condition.
- 4.50 The site is located in flood risk zone 1 (low risk). 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.
- 4.51 The existing site includes buildings and areas of hardstanding. This application is accompanied by a sustainable drainage system, scoping and methodology note carried out by Waterman. A preliminary drainage strategy has been designed to manage excess runoff generated from the developed site. The techniques to be employed include a green roof, which stores water in the soil, permeable paving to allow rainwater to be stored and released from the sub-base strata or infiltrated into the ground, soakaway chambers to allow water to infiltrate into the ground, geocellular structure to store water during a high density storm, hydro-break chamber and self-activating vortex flow control device to ensure precise discharge from the site and other techniques appropriate to the overall design. Given the mitigation measures proposed a suitable condition can be imposed to ensure a full drainage strategy is provided to comply with policy KP2 of the Core Strategy.
- 4.52 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this would be dealt with by conditions recommended if the application is deemed acceptable.

Other Matters

- 4.53 The NPPF (section 11) states that local authorities should aim to conserve and enhance biodiversity appropriately. Planning decisions must prevent unacceptable harm to bio-diversity and impose adequate mitigation measures where appropriate. Officers have carried out an assessment of the application under the Habitats Regulations 2010 and in particular Regulation 61. The Habitats Regulations require a two-step process. Firstly consideration needs to be given as to whether the development is likely to have a significant effect and if it does, the next step is to make an appropriate assessment. The site itself has no ecological designation.
- 4.54 As required by the regulations the applicant has provided such information as the authority reasonably requires for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required. The application is accompanied by Bat Roost Potential Building Assessment Report carried out by Hone Ecology dated 6th June 2016. With respect to Bats, the report states that the no signs of roosting bats have been identified and no further surveys are required. The proposal is considered to be adequate in these respects.

Community Infrastructure Levy

- 4.55 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 gross internal area of the proposed development is 1,739sqm of residential floorspace and this would result in a net increase in gross internal area of 629sqm (taking into account a deduction of 1,110sqm of existing 'in-use' floorspace that is being demolished). The CIL chargeable rate for residential use in this location is £66 per square metre. Therefore, this equates approximately to £41,514.

Planning Obligations

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

- 4.56 The Core Strategy Policy KP3 requires that:

*"In order to help the delivery of the Plan's provisions the Borough Council will:
2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed."*

In this instance, affordable housing and a contribution towards secondary education are of relevance. For information, primary education is covered by the Community Infrastructure Levy, as set out in the Council's Infrastructure Delivery Plan and CIL Regulation 123 Infrastructure List, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests and the pooling restriction).

4.57 Paragraph 205 of the NPPF states the following:

Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

4.58 The need to take viability into account in making decisions in relation to planning obligations on individual planning applications is reiterated in Paragraph: 019 Reference ID: 10-019-20140306 of the NPPG, which sets out the following guidance:

In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

4.59 Specifically in relation to incentivising the bringing back into use of brownfield sites, which the application site is, the NPPG also requires local planning authorities “...to take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.” (NPPG Paragraph: 026 Reference ID: 10-026-20140306).

4.60 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states the following:

The Borough Council will:

...enter into negotiations with developers to ensure that:

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

- 4.61 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations” (SPD2).
- 4.62 The clear preference in terms of affordable housing provision in this instance would be for 20% of the dwellings on-site to be affordable. However, it is acknowledged that national and local planning policy requires this to be adjusted if necessary on viability grounds.
- 4.63 The applicant’s viability assessment has been independently appraised on the Council’s behalf by BNP Paribas, experts in providing town planning and viability advice. The conclusions of this advice are set out below:
- There were a number of key areas where BNP Paribas disagreed with the applicant’s approach to the viability of the scheme including sales values and site value/Benchmark Landmark Value (BLV)
 - BNP Paribas have appraised the scheme, making adjustments where necessary to reflect comparable market evidence and industry standards, and conclude that the proposed scheme would generate a surplus of £227,800
- 4.64 Initially the applicant stated that they could not provide any affordable housing or other S106 contributions on viability grounds. They subsequently offered a financial contribution of £165,000 whilst also requesting that Vacant Building Credit be applied in respect of the affordable housing contribution.
- 4.65 As set out in the NPPG (www.gov.uk/guidance/planning-obligations), where vacant buildings are brought back into any lawful use, or are demolished to be replaced by a new building, developers should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant building when any affordable housing contribution is calculated. The NPPG states the following in relation to applying Vacant Building Credit:
- In doing so, it may be appropriate for authorities to consider:*
- *Whether the building has been made vacant for the sole purposes of re-development.*
 - *Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.*
- Taking the site’s planning history into account, the applicant has been advised that in this instance, Vacant Building Credit is considered not applicable.
- 4.66 Subsequent negotiations between the applicant and the Council have resulted in the financial contribution offer being increased to the surplus figure identified by BNP Paribas of £227,800.

- 4.67 In accordance with the policies and guidance set out above, and on the basis of the advice given to the Council by BNP Paribas, it is deemed appropriate in this instance to accept a S106 financial contribution of £227,800 (index linked) as it is considered that this figure represents a reasonable and maximum viable developer contribution.
- 4.68 In determining how the financial contribution should be split between education and affordable housing, officers have given consideration to the fact that the impact on education from a new development is both immediate and, in the absence of a developer contribution, will have to be funded by the local authority. Therefore, it is considered appropriate that the requested contribution from the School Development Manager be met first, and the remaining funding be allocated to affordable housing. Hence, the contribution will address the impact the development will have on secondary education provision by providing a contribution of £40,315 towards increasing capacity at Futures Community College (to be re-launched as Southchurch High School). And in lieu of on-site provision of affordable housing, £187,485 of the funding will be utilised to provide further affordable housing in the borough by either purchasing units or helping to fund the Council's affordable housing development programme.
- 4.69 The standard S106 terms relating to the delivery of affordable housing require that no more than 35% of the Market Housing Units be occupied until all of the Affordable Housing Units have been constructed. Therefore, consistent with this it has been agreed that the affordable housing contribution be payable prior to occupation of the 7th unit. An education contribution would usually be secured prior to commencement; however, it is deemed reasonable in this instance to impose the same 'trigger' for payment as the affordable housing contribution due to the viability considerations relating to delivery of the development.

Conclusion

- 4.70 Having taken all material planning considerations into account, it is found that subject to compliance with the proposed conditions and S106 agreement, the development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Whilst the loss of a leisure facility is regrettable, a mixed use development in this location is welcomed. The proposed development by reason of its design, scale, and layout would provide an acceptable addition within the streetscene maintaining the overall character and appearance of the surrounding locality, while providing adequate amenities for future occupiers and protecting the amenities of neighbouring properties. The application is therefore recommended for approval.

5 Planning Policy Summary

5.1 National Planning Policy Framework

- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision)

- 5.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), Policy DM10 (Employment Sectors), Policy DM11 Employment Areas, Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 SPD2 Planning Obligations 2010
- 5.6 Community Infrastructure Levy Charging Schedule 2015

6 Representation Summary

Design and Regeneration

- 6.1 No comments.

Traffic and Transportation

- 6.2 The proposal provides 22 car parking spaces for each of the dwellings. This is considered acceptable given the sustainable location of the site which has good links to public transport in close proximity. The design of the car park layout ensures that vehicles can manoeuvre effectively within the site and exit in a forward gear. A stage 1 safety audit has also been provided which has not raised any highway safety issues. The application also provides 22 secure cycle parking spaces which provides an alternative travel option.
Refuse collection is outside of current collection guidance therefore alternative arrangements will have to be made on the day of collection.

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

Leigh on Sea Town Council

- 6.3 Leigh-on-Sea Town Council object as follows:

1. To the omission of the ground floor D2 leisure use where there is a considerable and growing need for this type of facility in Leigh.

The basis of the objection is as follows:

- a. The applicant has produced no evidence of research to support the loss of 720 sq. m. leisure use. The Planning Inspector on appeal allowed the reduction from 2200 sq. m as being a satisfactory replacement but pointed out that no study or research into this aspect had taken place in 2011 and that remains the same to date. The applicant confirmed to us that the marketing report referred to in the application related to the old leisure building and not the 720 sq. m of refurbished building.

- b. Leigh Town Council research in 2011 and 2015 plus the views of local providers of leisure and the local community all suggest a growing demand for leisure in Leigh. This is highlighted by the reduction in public transport links especially in the evening.
 - c. Riley's existed as a bowling alley and snooker hall not a sports bar as referred to in the application.
 - d. The site remains the only opportunity for large scale leisure development in Leigh.
2. To the omission of ground floor commercial use which has an effect on the local economy and is not in line with SBC policy

The basis of the objection is as follows:

- a. The Broadway is a highly successful trading area and Leigh Road provides an equally diverse selection of retail and leisure opportunities. The 'break' between the two areas has long been identified as a significant barrier which is holding back the economic development of Leigh Road.
- b. A visual barrier has been created by the construction of three purely residential blocks in a short area between Highcliff Drive and the junction with the Broadway and this is due to their bulk rather than the frontage presented which remains circa 25% of the street frontage at this point. This creates a divide in an otherwise continuous commercial road. The businesses of Leigh Road are smaller than those in Broadway and so provide a high density of employment, self-employment and economic activity in a smaller area. With such marginal viability, the traders are working together to improve trading conditions and recognise that the ground floor commercial area at 258/Riley's provides a vital bridging link between Broadway and Leigh Road.
- c. The divide between Broadway and Leigh Road is considered to be one of the most significant risks to the local economy and Leigh Town Council do not wish any further damaging effect to the economic viability of the area and which would be contrary to SBC planning policy.

[Officer Note – In relation to these points it is noted that the site is not included within the designated Primary Shopping Frontage of the Broadway or the Secondary Shopping Frontage of Leigh Road. These two designated areas are separated and are not linked. The site falls within the land of no site-specific policy designations that sites between the two designated shopping frontages. There is therefore no planning policy basis to support or enforce the suggestions of Leigh-on-Sea Town Council and no adopted planning policies that are aiming to achieve the connection that is sought by Leigh-on-Sea Town Council.]

3. To the parking stress and extra traffic flow generation on Maple Avenue

The basis of the objection is as follows:

- a. The residents' concerns are supported by Leigh Town Council. The significant parking stress of the area is already well known.

In a development of 22 flats (a mixture of 1-3 bedrooms) only 22 parking spaces have been provided which will place an additional burden on the reduced off-street parking.

- b. Maple Avenue is a narrow residential one way street further narrowed by parking to both sides. It already has increased traffic loads as a result of the Grand View block at the west end and the proposed development is also to be access from Maple Avenue.
4. To the balconies at the rear of the development overlooking existing residential properties

The basis of the objection is as follows:

- a. Leigh Town Council supports the residents' concerns with regard to their loss of privacy with balconies at the rear of the development.

In addition to the objections, Leigh Town Council recommend a planning condition that should the development proceed, during construction, it is serviced from Maple Avenue.

Finally, we wish to comment that the developers confirmed to the Council that their application makes allowances for social housing and CIL and yet page 20 of their planning statement contradicts this. We would hope that their planning obligations with regard to the development are met.

Airport Director

- 6.5 Our calculations show the given position and height will have no effect on our operations. We therefore have no safeguarding objections as long as there are no plant rooms or aerials and the building is no taller than 56.4m AOD. Any crane or piling rig to construct the proposed development will need to be safeguarded separately and dependant on location would be restricted in height.

Essex and Suffolk Water

- 6.6 Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

Environmental Health

6.7 No objection subject to conditions arising during demolition and construction including:

1. During the demolition and construction, noise and vibration issues may arise which could lead to the hours of work being restricted. Demolition and construction hours are therefore restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.
2. Full details of mitigation measures to be taken to minimise and/or control noise and potential fugitive dust emissions resulting from the works must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing, taking into consideration control measures detailed in *Best Practice Guidance “The control of dust and emissions from construction and demolition”*.
http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp
3. There shall be no burning of waste materials on the site during the construction and demolition given the site’s proximity to other properties.

School Development Manager

6.8 This application site falls within the catchment areas of Leigh North Street Primary School and Belfairs Academy (Secondary). Both are full. Places are only available for Primary at Darlinghurst Primary School (0.6 miles away) and at Futures Community College (changing name to Southchurch High School) for secondary which is 3.94 miles away. A contribution to secondary school impact would be expected against the secondary impact. On the breakdown of the number of bedrooms per unit, a contribution towards increasing capacity at Futures College/Southchurch High School of £40,314.13 is requested.

7 Public Consultation

7.1 Two site notices displayed 02.02.2017 and 112 letters sent to neighbouring properties notifying them of the proposal.

3 letters of support and a proforma letters, with 36 supporting signatures have been received which support the proposal on the following grounds:

- Any development other than flats would be completely out of keeping of the surrounding part of this stretch of Leigh Road;
- It would see the end, if this proposed plan went ahead, of any future noise and disturbance which have had to endure from social activities at Riley’s

9 objections including a letter from Leigh Southside Management Company Limited representing 33 leaseholders, a letter from Mr Wyles on behalf of 10 surrounding residents and Leigh Road Traders and Community Association. These raise the following issues:

- Harm to neighbouring occupiers amenity and poor design.
- Maple Avenue lacks parking and additional 22 additional properties is going to make matters worse;
- Loss of three on street parking spaces;
- Increased congestion and harm to highway safety conditions;
- Noise and disturbance;
- Loss of privacy due to the balconies, terraces and windows proposed to the rear elevation;
- Building works will result in disruption;
- Drainage implications;
- Existing flooding problems to basement of Southside made worse.
- Risk of asbestos migration;
- If constructed there would be noise, vibration, dust migration, loss of light, risk to neighbouring foundations;
- Post construction will increase traffic given only one space per flat is proposed;
- Refuse collection cannot be collected at the site given Maple Avenue is already congested;
- Landscaping should be increased to reduce noise
- Loss of leisure facility;
- The Leigh Road is a commercial area that was originally linked via retail and leisure to the Broadway. The loss of retail facilities in the past development of 3 blocks of flats (Southside, Leighcliff Heights and Ospreys) has caused a detrimental effect to the retail potential of many independent retailers;
- The demographic of Leigh on Sea is getting younger and it is not encouraged for the wellness of the population;
- Members of the Leigh Road and Community Association that provide leisure space and community facilities report increasing demand on their spaces for use throughout the week and are nearing capacity. Demand is high for leisure facilities for a rounded experience for Leigh's residents.
- A leisure or retail space should be included to the ground floor.

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

8 Relevant Planning History

- 8.1 Application for approval of details pursuant to condition 08 (hard and soft landscaping) of planning permission 14/00704/AMDT dated 22nd July 2014- Granted (15/00396/AD)
- 8.2 Replace drawings 4542-B-6-C, 4542-A-7-D, 4542-A-8-E for 300/11A, 300/16A 300/17A single storey rear extension to plots 2, 3 and 4 and amend roof details to plots 2, 3, 4, and 5 (minor material amendment to planning permission 11/01709/FUL dated 27th June 2012 and 14/00270/AMDT dated 11th April 2014- Granted (14/00704/AMDT)
- 8.3 Application for approval of details pursuant to condition 04 (samples of materials) of planning permission 11/01709/FUL dated 02/07/2012- Granted (14/00565/AD)

- 8.4 Application to vary condition 02 (the development shall be carried out in accordance with the approved plans) of planning application 11/01709/FUL granted on 27/06/2012 to allow removal of plot 1- Granted 14/00270/AMDT
- 8.5 Application for approval of details pursuant to condition 11 (Contamination Risks) of planning permission 11/01709/FUL dated 27/6/2012- Granted (13/01440/AD)
- 8.6 Part demolish snooker hall/bowling alley, erect 8 two storey dwellings on land at rear, layout parking and erect wall at rear- Granted (11/01709/FUL)
- 8.7 Demolish buildings, erect 5 storey building incorporating 720sqm replacement leisure facility (class D2) and 20 self-contained flats with balconies/terraces and 4 storey building incorporating 18 self-contained flats, lay out parking at basement level, refuse store and amenity area and form vehicular access onto Maple Avenue (Amended proposal)- Refused (10/01748/FULM). Appeal reference A/11/2150238/NWF.
- 8.8 Demolish buildings, erect three part 3/part 4/part 5 storey blocks comprising 452sqm replacement leisure facility (class D2) 40 self-contained flats, basement parking for cars and cycles, layout refuse store and amenity areas and form vehicular access onto Maple Avenue- Refused (08/01187/FULM)

9 Recommendation

Members are recommended to:

- (a) **DELEGATE to the Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:**
- **a financial contribution for affordable housing of £187,485 (index-linked) in lieu of on-site provision, which is payable prior to occupation of the 7th dwelling**
 - **a financial contribution towards secondary education provision of £40,315 (index-linked), specifically providing increased capacity at Futures Community College/Southchurch High School, which is payable prior to occupation of the 7th dwelling**
- (b) **The Director of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:**
- 01 **The development hereby permitted shall be begun not 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 shall be carried out in accordance with the approved plans: 01 Site Location Plan; 02 Existing plans and elevations; 03 Proposed Site Plan & Parking Revision D; 05 Proposed Plans 0-3 Revision E; 06 Proposed fourth floor and roof plan Revision B; Proposed elevations north and south revision C; Proposed elevations east and west revision C.

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

- 03** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the lower ground floor (parking) slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening, fenestration, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and policies DM1 and DM3 of the Development Management DPD 2015

- 04** No construction works above the lower ground floor (parking) floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; 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.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied or brought into use.

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 DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

- 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 occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

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 DPD1 and Policy DM1 of the Development Management DPD 2015.

- 06** The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 03 for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 07** No construction works above lower ground floor slab level shall take place until details of 1.8m high balcony/terrace screens to the eastern and rear splayed elevation serving flats 2 and 3 on the second, third, fourth floor and the balustrade detailing for flats 1 and 2 on the fifth floor shall have been submitted to and approved in writing by the Local Planning Authority. The screens, as approved, shall be erected prior to first occupation of those units, and retained thereafter in perpetuity.

- 08** The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out 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 DPD1 and Policy DM15 of the Development Management DPD 2015.

- 09** The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be permanently retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 10** 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 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 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 DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

11 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed in accordance with the approved details before the development is occupied and brought into use and be maintained as such thereafter. Those details shall include:

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

12 Details of any external lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority before the development is occupied or brought into use. Development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 of the Development Management DPD 2015.

- 13** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved 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.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and Development Management Document policy DM2.

- 14** Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 15** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings hereby approved unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area and airport safety in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 16** Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' and the remaining 20 flats comply with building regulation part M4(2) 'accessible and adaptable dwellings'.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

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** This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.
- (c)** In the event that the planning obligation referred to in part (a) above has not been completed by 14th July or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for affordable housing or education provision. As such, the proposal would be contrary to Policies KP2, KP3, CP6 and CP8.