

<b>Reference:</b>	17/00563/OUTM	
<b>Ward:</b>	Blenheim Park	
<b>Proposal:</b>	Demolish existing building and erect two blocks part 2, part 3, part 4 storey comprising of 30 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores (Outline Application) (Amended Proposal)	
<b>Address:</b>	939 - 953 London Road, Leigh-on-Sea, Southend-on-Sea SS9 3LQ	
<b>Applicant:</b>	EMEX International	
<b>Agent:</b>	Third Dimension Architectural Group Ltd.	
<b>Consultation Expiry:</b>	14.06.2017	
<b>Expiry Date:</b>	01.09.2017	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan Nos:</b>	100 Location Plan; 201 Proposed site plan; 105 Existing Floor Plans; 106 Existing Elevations; 201 Indicative Streetscenes; 202A Indicative Basement and Ground Floor plans; 202 Indicative First and Second Floorplans; 204 Indicative Third and Fourth Floor plans	
<b>Recommendation:</b>	<b>Delegate to the Director of Planning and Transport or the Group Manager of Planning and Building Control to GRANT OUTLINE PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).</b>	



# 1 The Proposal

- 1.1 This application seeks outline planning permission to demolish the existing building and erect two blocks part 2, part 3, part 4 storey comprising of 30 flats, 1 commercial unit on the ground floor, lay out parking, refuse and cycle stores. The building at the junction of front London Road and Darlington Grove is 41m wide and varies between 16m-34m in depth; the overall height is 12.1m. The proposed two storey building to the rear of the site fronting Darlington Grove is 18m wide by 13.5m-16.2m deep and between 6.2m-9m in height.
- 1.2 The matters for approval are access, layout and scale; landscaping and appearance are reserved for future consideration and would need to be approved prior to carrying out any works should outline permission be granted.
- 1.3 The indicative details provided indicate the development parameters on which the application should be determined (i.e. maximum building height, likely unit sizes, level of car parking etc). Any future reserved matters applications submitted would have to be within these parameters.
- 1.4 The details are summarised as follows:
- |              |  |
|--------------|--|
| Units        | 30 flats (5 no 1 bed, 7 no 2 bed, 12 no 3 bed and 6 no 4 bed) plus 375sqm of commercial floorspace |
| Parking      | 58 spaces (including 4 disability spaces) (57 cycle spaces)  |
| Height (max) | Part 2, 3, 4 storeys (6.2m rising to 12.1m)  |
- 1.5 The proposed development includes 375sqm of commercial floorspace this would comprise of A1, A2, B1 and D2 (gym) at ground floor level. The plans indicate this would be a flexible space, and could be occupied as one large unit, and the commercial space would have its own refuse store.
- 1.6 At ground, first, second, third and fourth floor level a mix of 1, 2, 3 and 4 bedroom flats are proposed. The indicative details of the flats are in accordance with the National Technical Housing Standards and these to range between:
- 50sqm; 1 bedroom 2 persons;
  - 61sqm; 2 bedrooms 3 persons;
  - 70sqm; 2 bedrooms 4 persons;
  - 74sqm; 3 bedrooms 4 persons;
  - 95sqm; 3 bedrooms 6 persons;
  - 96sqm; 3 bedrooms 6 persons;
  - 90sqm; 4 bedrooms 5 persons;
  - 99sqm; 4 bedrooms 6 persons;
  - 117sqm; 4 bedrooms 8 persons
- 1.7 The indicative drawings illustrate a total area of 960sqm (32sqm per dwelling) and balcony space will also be provided to a number of the flats however, this detail will be dealt with at reserved matters stage.

- 1.8 The building would front onto London Road and be set in line with 937 London Road to the east, including a number of forward projections nearer to the junction of London Road and Darlington Grove. The scale of the building would be 3 storey adjacent to no. 937 London Road rising to 4 storey at the junction with Darlington Grove stepping down to a three storey building to the north fronting Darlington Grove.
- 1.9 Parking is indicated at basement level at the rear of the building fronting London Road accessed via Darlington Grove.
- 1.10 It should be noted this application has been submitted following the refusal of a recent application 15/01844/OUTM. The previously refused application was not objected to on the grounds of layout, scale, access or impact on surrounding residents. Appearance and landscaping was reserved for future consideration under a reserved matters application.
- 1.11 The previously refused application was for 38 flats and refused on the following reasons:
1. *“The proposal would result in a development that fails to provide a range of dwelling types and sustainable housing mix and thus would fail to meet the housing needs of the borough. This is contrary to the NPPF, policies KP2 and CP8 of the Core Strategy and policy DM7 of the Development Management DPD”.*
  2. *“In the absence of a signed legal agreement securing a contribution towards affordable housing contrary to the NPPF, policies KP2, CP3, CP6 and CP8 of DPD1 (Core Strategy)”.*
- 1.12 This refusal was appealed to the Planning Inspectorate. The appeal was subsequently dismissed (reference: 3148366) and will be discussed in further detail below within the appraisal section of this report. The main conclusions of the appeal decision by the Inspector was that:
- No evidence had been submitted to support the appellants statements the previously refused scheme of 38 flats was not commercially or socially viable to provide 4 bedroom units;
  - Policy DM7 of the Development Management Document provides flexibility in the application of planning policy. However, the appellant failed to provide supporting information to justify an exception to current planning policy;
  - The development would contribute to the Boroughs Housing Supply and whilst according with the broad objectives of policy KP2 of the Core Strategy would still fail to provide a mix of dwellings for residents of the borough.

1.13 The main changes following the previously refused application include:

- Number of flats reduced from 38 to 30;
- Dwelling mix changed from 7no 1 bed, 27no 2 bed and 4no 3 bed to 5 no 1 bed, 7 no 2 bed, 12 no 3 bed and 6 no 4 bed;
- Supporting information to justify the dwelling mix;
- Commercial floorspace reduced from 655sqm to 375sqm;
- The indicative appearance of the proposed development has changed with the elevational treatment being refined with taller, wider fenestration to add interest and the introduction of a vertical rhythm into the main block breaks the overall massing. Whilst the changes are welcomed to the overall appearance, are welcomed this element of the proposal is reserved for future consideration.

## **2 Site and Surroundings**

- 2.1 The site is a parcel of land comprising 0.25ha (2500m<sup>2</sup>) on the northern side of London Road within Leigh-on-Sea. The site is 0.6 miles northeast from the centre of Leigh on Sea and 1.6 miles west from the main centre of Southend-on-Sea. London Road is a major transport route running east-west to the frontage of the site. The land uses to the west of the site along London Road are mixed, with a predominance of commercial uses at ground floor level. Immediately to the east along London Road there are self-contained flats and the character is more residential in nature in this section of London Road before reaching Chalkwell Park. To the north and south of the site behind London Road, the character is distinctly low-scale residential.
- 2.2 The existing building is two storeys with a part pitched and part flat roof and is currently occupied by an unauthorised car wash and valeting business. The site slopes down from London Road. The general character of this part of London Road is two storey buildings with the exceptions being part of the adjacent flat block which is 3 storeys and a residential flat development to the east of the site north of London Road which is also 3 storeys. The scale of development to the south of the site is domestic in scale and comprises a mix of houses and bungalows.

## **3 Planning Considerations**

- 3.1 The main considerations in the determination of this application are in relation to the principle of development, design and impact on the street scene, living conditions for future occupiers, impact on amenity of existing residents, traffic and parking implications, sustainability and CIL/planning contributions and whether the proposal has addressed the previous reasons of refusal under application 15/01844/OUTM.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4, CP8; DPD2 (Development Management) policies DM1, DM3, DM7, DM11 and the Design and Townscape Guide SPD1 (2009)**

### *Loss of existing buildings*

- 4.1 The proposal seeks to demolish the existing buildings and comprehensively redevelop the site. Historically the site has been used as a car dealership for vehicles sales and repair and more recently car sales with workshop and gym to the rear of the site. The existing buildings are of no particular architectural merit and while not derelict, they make no significant contribution to the public realm in the locality. The proposed mixture of land uses with commercial/leisure at ground floor/basement and residential across the site, typifies the character of the area and accords with central Government guidance with respect to encouraging mixed use development and making the best use of urban land.
- 4.2 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.
- 4.3 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.”
- 4.4 Policy DM11 (5) deals with employment uses outside of employment areas and advises that alternatives uses on employment land a mix of uses should demonstrate greater community and environmental benefits. In this case, there is a mix of commercial and residential uses consistent with within its location. The proposal is considered to be consistent with the objectives of policy CP8, DM3, and DM11 as well as the objectives of the National Planning Policy Framework.

### *Dwelling mix*

- 4.5 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.
- 4.6 The table illustrates the requirements of policy DM7 of the Development Management Document DPD2 for market housing provision and a comparison of the previous application’s dwelling mix (15/01844/OUTM) and the proposed dwelling mix for this application (17/00563/OUTM):

Housing mix:

<b>Dwelling size:</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>
<b>No bedrooms</b>				
<b>Policy DM7 of DPD2</b>	9%	22%	49%*	20%*
<b>15/01844/OUTM (refused)</b>	18% (7 units)	71% (27 units)	10.5% (4 units)	0%
<b>17/00563/OUTM Proposed</b>	16% (5 units)	23% (7 units)	40% (12 units)	20% (6 units)

- 4.7 As the table above illustrates the applicant has reduced the number of 1 bedroom from 7 to 5, 2 bedrooms dwellings from 27 to 7, increased the provision of 3 bedrooms dwellings from 4 to 12 and provided 6 x 4 bedroom dwellings units compared to none previously. The proposal now complies with current planning policy and therefore providing dwelling sizes in accordance with the Borough's Housing need in accordance with policy DM7 of the Development Management Document. The proposal has therefore adequately addressed the first reason for refusing application 15/01844/OUTM. Taking into account the issues discussed in this section it is considered that the proposed development is acceptable in principle.

### **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).**

#### *Scale*

- 4.8 The proposed building line along London Road matches that of the existing building. The architectural style applied varies across the site given the setting of the various buildings and their context within the public realm. The appearance of the building which fronts London Road is of a contemporary nature and no objections are raised to this design approach. This proposed development has a flat roof as do adjacent properties to the east. In terms of the scale, massing and bulk, the building steps up to 4 storeys from the adjacent 3 storey element of the adjoining building, which is an appropriate scale for London Road (this has not been objected to under application 15/01844/OUTM). In terms of scale, massing and bulk the building steps up to 4 storeys in height (12m) from the adjacent three storey building. There is a set back of the top floor, which reduces the buildings, bulk and mass and the use of extensive glazing assists in reducing the solid appearance. A building of this scale is not uncommon in London Road and is appropriate to its siting (it should be noted no objection was raised on the basis of height in the previous outline application 15/01844/OUTM).
- 4.9 With regard to the flat block fronting Darlington Grove, the height has increased from 5.7m-8m in the previous (15/01844/OUTM) to 6.2m-9m, however the development will still be lower than the existing ridge of number 24 Darlington Grove. The design also includes a steeped element reducing its bulk. The fact that the design is in blocks helps reduce its bulk and mass. The scale of the residential block is therefore, considered in keeping with the streetscene of Darlington Grove.

#### *Access*

- 4.10 There is no objection to a proposed vehicular access from Darlington Grove, and in design terms, this would be preference to an access from London Road. Whilst the intention for basement parking is not part of the character of the area, the overall appearance is reserved for future consideration and can be carefully detailed to minimise its impact in the streetscene and to ensure that it is integral to the overall design not resulting in a dominant feature.

## *Appearance*

- 4.11 Whilst appearance has been reserved as a future consideration, an indicative design has been shown for both blocks. The indicative design has the same general form as the previously refused scheme but the elevational treatment has been refined and this generally is welcomed. In particular the taller and wider fenestration adds interest and transparency to the proposal and to break up the massing in the streetscene and is welcomed. The introduction of a vertical rhythm into the main block has also helped to break up the massing in the streetscene and this is an improvement on the earlier proposal. It is, however, unclear how the divisions will be articulated within the footprint and elevations of the building, the streetscene seems to show recessed sections and stepping which is not apparent on the indicative floor plans and this will need to be shown at reserved matters stage. It is important that these aspects of the proposal are well detailed if it is to make a positive contribution to the streetscene. The quality of materials will also be key and a full schedule should be included in the reserved matters application. Overall, however, the proposal is much improved in its design detail demonstrating that a quality scheme of this scale can be achieved and positively integrated into the streetscene.
- 4.12 The communal amenity area serving the flats will be situated to the north east of the site. An area of 960sqm for both play area and a landscaped area is proposed equating to 32sqm per unit together with a number of units having private balconies to the upper floors, which will be dealt within the reserved matters application. The provision of amenity space proposed on balance is considered sufficient for potential future occupiers. Landscaping details have been reserved for future consideration and therefore do not form part of this submission.

### **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.**

- 4.13 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 considerable 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:
    - 50sqm; 1 bedroom 2 persons;
    - 61sqm; 2 bedrooms 3 persons;
    - 70sqm; 2 bedrooms 4 persons;
    - 74sqm; 3 bedrooms 4 persons
    - 95sqm; 3 bedrooms 6 persons;
    - 96sqm; 3 bedrooms 6 persons;
    - 90sqm; 4 bedrooms 5 persons;
    - 99sqm; 4 bedrooms 6 persons;
    - 117sqm; 4 bedrooms 8 persons

- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m ; and 11.5m<sup>2</sup> 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 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> 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 7m<sup>2</sup> for a single bedroom with a minimum width of 2.15m ; and 12m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.55m.
  - 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.

4.14 The proposed flats would be built to meet the standards that have been set out above as stated in paragraph 1.6. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook. The proposal is therefore considered to be in accordance with policy and the National Planning Policy Framework.

- 4.15 A communal garden area is proposed at ground floor to provide amenity space for the flats that would have an area of 960 square metres. This amounts to 21sqm of shared amenity space per flat excluding balconies that are also proposed to a number of flats. The two flats on the fourth floor have private terrace areas. Taking into account all of the above points, the level of amenity space proposed is considered acceptable.
- 4.16 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. Furthermore, major developments should ensure that at least 10% of new dwellings are wheelchair accessible or easily adaptable to facilitate use by wheelchair users. 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. In this instance it is considered that there is no known reason why the proposed development could not accord with the abovementioned standards and this can be dealt with by condition during the reserved matters stage given this application is for outline consent.
- 4.17 The position and size of refuse stores and cycle stores are shown on the plans. A residential bin store, commercial bin store and cycle store can be adequately accommodated to the rear of the building and at basement level, and accessed from Darlington Grove.
- 4.18 The residential entrance is shown off Darlington Grove and clearly separate from the commercial premises accessed from London Road, which is preferred.

### **Impact on residential amenity**

#### **National Planning Policy Framework, Core Strategy Policy CP4, Development Management DPD2 policy DM1 and the Design and Townscape Guide (SPD1)**

- 4.19 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.
- 4.20 There are a number of residential properties immediately surrounding the site which will be affected by the proposed development. The north elevation of the block fronting London Road contains a number of openings and these would look out directly across the site and have a separation of some 44m from the boundary with no.24 Darlington Grove. The proposed part three storey/four storey element facing Darlington Grove will be sited 18m-23m away from the boundary to the east with the rear of properties of Fillebrook Avenue including a further 14 m to the rear boundary of the existing properties of Fillebrook Avenue (37m in total). The proposed development on Darlington Road would be sited 17.8m to the boundary abutting properties in Fillebrook and a further 18.8m to the rear elevation of the property (36m in total).

- 4.21 Taking into account the overall height of this development ranging from 6.2m to 12m and the separation distances to the boundaries it is not considered the proposal will result in overlooking. It is also concluded the development would not appear overbearing or result in an unreasonable sense of enclosure (it should be noted no objection was raised on the basis of the impact on residential amenities of existing occupiers in the previous outline application 15/01844/OUTM)..
- 4.22 It is not considered the proposal will result in any material harm to the living conditions of occupiers at no. 937 in terms of being overbearing nor result in loss of privacy or overlooking.
- 4.23 With regard to the orientation and siting of the flat block in Darlington Grove, this building will have a direct view to the east and west. The building complies with the notional 45 degree rule taken from the nearest property to the north of no. 24 Darlington Grove. Although the development is three storeys in height it is not considered the proposal will cause undue loss of privacy. With regard to the relationship with the properties opposite in Darlington Grove and it is not considered that the residential block would be materially harmful to the outlook from those dwellings opposite as there would be a separation of some 20m between them. There would also be no material loss of privacy, given the front elevation is within the public realm.
- 4.24 The proposed development would reduce the overall impact of noise and disturbance in comparison to the lawful use as a gym and car showroom, given the scheme is for predominantly residential flats and 375sqm of commercial floorspace. Although it is acknowledged the vehicle movements from Darlington will increase in terms of amenities enjoyed by existing occupiers surrounding the site the impact is considered negligible.

### **Traffic and transportation**

#### **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.**

- 4.25 Policy DM15 of the Development Management DPD2 states that 1 space per flat is required outside of the town centre. The application proposes 58 parking spaces including 4 disabled spaces. 30 parking spaces are to be allocated to the residential flats, which is policy compliant together with the provision of four disabled spaces. The applicant has confirmed the remainder of the 24 car parking spaces are available for the commercial premises. At this time the nature commercial floorspace of 375sqm has yet to be confirmed however, in accordance with policy DM15 the following standards are required 1 space per 20sqm for A1, A2 and D2 (gym) use and 1 space per 30sqm for a B1 use. Twenty four spaces would therefore be sufficient for the aforementioned uses and policy complaint with DM15 of the Development Management Document. The site is therefore providing 100% off street parking for the residential and commercial element of the proposal.
- 4.26 The vehicular access is proposed from Darlington Grove and this is acceptable in principle. Servicing arrangements for commercial unit are proposed on street within London Road through the provision of a new loading bay. This would be secured by a Grampian condition and appropriate highway agreement.

- 4.27 Cycle provision can be dealt with by condition and has been indicated to be stored to the basement level with a provision of 57 cycle spaces which is in accordance with policy DM15 of the Development Management Document.
- 4.28 The proposal is complies with the relevant highways policy and no objections have been raised by the Council's Highways Officer.

### **Use of On Site Renewable Energy Resources**

#### **National Planning Policy Framework; DPD1 (Core Strategy) policy: KP2; DPD2 (Development Management) policy DM2, and the Design and Townscape Guide SPD1.**

- 4.29 Paragraph 97 of the NPPF states that local authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. Policy DM2 advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions in accordance with the energy hierarchy.
- 4.30 No details of renewable energy accompany this application. However, a condition can be imposed to ensure full details are submitted and agreed with the local planning authority if this application is deemed acceptable to ensure the proposal complies with the National Planning Policy Framework 2012, Core Strategy Policy KP2, Development Management policy DM2, and advice contained within the Design & Townscape Guide SPD1.
- 4.31 Details of Sustainable Urban Drainage systems will also be required by condition to ensure suitable drainage is provided to mitigate surface water run-off given the significant levels of hardstanding proposed. However, considering the extent of existing hardstanding on site this can, the matter can be addressed with a suitable condition.
- 4.32 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 (lppd) (1110 lppd) 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 given the application is all matters reserved for future consideration, officers are satisfied this can be dealt with by condition if the application is deemed acceptable.

### **Community Infrastructure Levy**

- 4.33 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. As this is an outline application the CIL amount payable will be calculated on submission of a reserved matters application at which point the floorspace figures will be confirmed.

Therefore, the level of contribution cannot be clarified with certainty at this stage, however it would be appropriate to use an informative to highlight that the proposed development would be CIL liable.

### **Planning Obligations**

#### **National Planning Policy Framework; DPD1 (Core Strategy) policies KP3, CP4 and CP8; SPD2 (Planning Obligations)**

4.34 The Core Strategy Police KP3 requires that:

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

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).

4.35 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”.*

4.36 Policy CP8 of the core strategy requires 20% affordable housing to be provided within the development. The applicant is willing to make this provision. The applicant has contacted a number of registered social landlords including CHP, East Thames, Estuary Housing Association, Family Mosaic, Genesis, Guinness, L & Q, Moat and Sanctuary Housing. The applicant has confirmed only two replies have been received from the registered providers to date, neither of which are interested in taking on this small number of affordable housing units on site in this instance. In light of this, the applicant has agreed to provide a financial contribution of £452,892.

4.37 In accordance with the *“Interim Affordable Housing Policy”*, it is considered that the applicant has satisfactorily demonstrated that there is no interest from Registered Providers (RP’s) for the relatively small scale provision of 6 affordable housing units on this site. In addition, in so far as officers are aware, the developer is not in a position to locate the affordable housing on an alternative site. It is therefore, considered appropriate to allow a financial contribution in lieu of on-site affordable housing provision.

4.38 In this instance, the Strategic Housing Team and planning officers support the proposition of accepting the offer of a financial contribution of £452,892 in lieu of providing 6 affordable housing units on site (subject to further evidence being provided by the applicant in respect of comparable evidence to support the estimated sales values).

This figure has been calculated on the basis of the methodology/formula set out in the “*Interim Affordable Housing Policy*” and thus meets the councils policies. The funding will be utilised to provide further affordable housing in the borough by either purchasing units or help to fund the Council’s affordable housing development programme.

- 4.39 As only two replies have been received from Registered Providers to date, and taking into account the fact that this is an outline application, it is considered appropriate to draft a S106 agreement such that it allows flexibility for either on-site affordable housing provision or the financial contribution (subject to agreement with the Council that on-site provision is later found to be unfeasible).
- 4.40 The School Development Manager has confirmed the site is within the catchment areas of Darlinghurst Primary School and Belfairs Academy (Secondary). Whilst there are places in Darlinghurst Primary, Belfairs Academy is full. Places are only available for secondary at Futures Community College (changing name to Southchurch High School) for secondary which is approximately 4 miles away and over the DfE recommended travel distance. A contribution to Belfairs Academy is therefore recommended to address the secondary school impact. On the breakdown of the number of bedrooms per unit this equates to £88,728.77.

#### **Other Issues**

- 4.41 Landscaping is a reserved matter, and full details would be required at the reserved matters stage and any proposal will be required to be in accordance with Policy DM1 of the Development Management Document DPD2.
- 4.42 It is noted from the historical land uses at the site that there is the potential for contaminants to be present, a contamination study shall being carried out prior to development and this can be dealt with by condition if the application is deemed acceptable.

#### **Conclusion**

- 4.43 There is no objection to the loss of the existing use and principle of residential development on this site considered acceptable.
- 4.44 The access, scale and layout are considered acceptable and therefore no objection is raised to these aspects of the application. The matters of appearance and landscaping have been reserved and therefore the development that is shown on the submitted plans must be considered as an indicative proposal only. For the reasons set out above, it is considered that there is a reasonable prospect that a reserved matters application could accord with the content of the development plan and therefore no objection should be raised to the outline application on any of those grounds.
- 4.45 The proposal meets the relevant Council policies and the guidance set out in the National Planning Policy Framework and has overcome objections raised to the previous application, accordingly it is recommended that this application to be approved subject to the conditions and S106 agreement.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 2: Development Management emerging policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM11 (Employment Areas), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 5.3 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), and CP8 (Dwelling Provision).
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 SPD2 Planning Obligations 2010 (updated 2014)
- 5.6 Waste Management Guide
- 5.7 Community Infrastructure Levy Charging Schedule (2015)

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 The site is set on the corner of London Road, a main route into the town with many commercial buildings and Darlinghurst Grove a more traditional residential street. At present there is a 2 storey car showroom on the site which is set back behind the car display area. To the east on London Road the site abuts a narrow 3 storey flat roofed building and then a wider but lower two storey flat roofed residential block. In the vicinity of the site on London Road is a mix of mostly commercial uses but also some residential houses and flats. These are generally two storeys with a pitched roof although it is noted that there is a new flatted block of 3 storeys in the adjacent street block.

Darlinghurst Grove is a mixed residential street containing houses and bungalows of generally traditional designs.

It is noted that this is an outline planning application and is only seeking approval for access, scale and layout although an indicative design and basic landscaping proposal has been provided. These issues are considered in turn.

#### **Scale**

There is no objection in principle to the redevelopment of this site for a mixed use with commercial use to the ground floor and residential above. It is considered that there is scope to increase the scale of the existing building and three storeys rising to more subservient fourth floor at the corner would be acceptable in principle.

The splitting of the site to enable a transition block to be built on Darlinghurst Grove will also help to break up the scale and massing of the development on the side street and help to integrate it into the streetscene. The gap for the vehicular access also helps to maintain a break in the streetscene between the more domestic scale of Darlinghurst Grove and London Road and this is welcomed. The set back and reduced length of the top floor has made this element appear more subservient in scale and this will help to better integrate the proposal into the streetscene and seems to work well.

#### Layout

It is noted that although the building line to London Road is consistent, in Darlinghurst Grove it is still forward of the adjacent houses and this will make the proposal appear more prominent in the streetscene when viewed from the north. The character on this street is for fairly deep frontages and this should be respected at least on the lower building which is seeking to provide a transition between the domestic scale of Darlinghurst Grove and the more dominant scale of London Road. The building line should be no less than the narrowest frontage in this street.

In principle the scale of the proposed amenity area is acceptable however it is noted that it is above the basement parking area so it will need to be demonstrated that it will be possible to achieve good levels of planting in this location so that the area does not appear too austere. The indicative layout shows trees to the perimeter and these would be welcomed however it is unclear whether they are all achievable given the proximity of the car park particularly at the northern end and provision of the trees will need to be integral to the design of the basement.

It appears from the indicative design that there are a few private amenity terraces and balconies. These are welcomed in principle and can add to the quality of the development, however, it will be important to ensure that these are useable with good outlook in the final design.

#### Internal layout

The indicative internal layouts show a much improved mix of flat sizes and this is welcomed. No detailed layouts have been provided so it is not possible to assess outlook or balcony size however the proposal should seek to minimise single aspect north facing units and provide good outlook and usable amenity to all units.

The propose bin store is set back from the frontage but will be visible from the street so will need to be well screened with good quality materials. The proposal for landscaping and trees behind this will help to divert attention and this is welcomed.

#### Indicative Design

This application is only outline and is not seeking approval for detailed design but an indicative design has been shown to give an idea of how the scale and layout of the building, which approval is sought for, can be successfully achieved. The indicative design has the same general form as the previously refused scheme but the elevational treatment has been refined and this generally is welcomed. In particular the taller and wider fenestration has helped to add interest and transparency to the proposal and to break up the massing in the streetscene and is welcomed. The introduction of a vertical rhythm into the main block has also helped to reference the finer grain of the area and helped to break up the massing in the streetscene and this too is an improvement on the earlier proposal.

It is, however, a little unclear how these divisions will be articulated within the footprint and elevations of the building – the streetscene seems to show recessed sections and stepping which is not apparent on the indicative floor plans and this will need to be shown at RM stage. It is important that these aspects of the proposal are well detailed if it is to make a positive contribution to the streetscene. The quality of materials will also be key and a full schedule should be included in the RM application. Overall, however, the proposal is much improved in its detail and this offers comfort that a quality scheme of this scale can be achieved and positively integrated into the streetscene.

## **Traffic and Transportation**

- 6.2 The previous use of the site was a car dealership and a gym. The existing uses would have generated a significant amount of vehicle movements throughout the day. The car dealership has the potential to have up to 20 cars displayed on the forecourt of the site with further storage within the site.

At total of 58 car parking spaces have been provided for the development which include 4 commercial spaces and 4 disabled spaces.

30 flats will have 100% parking provision in accordance with policy DM15. Whilst the applicant has suggested only 4 spaces will be allocated to the commercial premises given the location of the site along London Road with access to public transport no objections are raised and the remainder of the parking spaces can be allocated to the commercial premises.

On street parking is available within the area which already serves other commercial offers. A traffic regulation order will be required to accommodate a loading restriction the timing of this will need to be conditioned before occupation of the commercial element; £3000 would be required to facilitate this. The developer will also be required to reinstate any un-used existing vehicle crossovers and also provide a loading bay for the commercial element. A section 278 agreement will be required to carry out any highway improvements. Design of the proposed highway works should also be conditioned.

Darlinghurst Grove already has a number of traffic regulations orders in place. Double yellow lines are located on both sides of the road from London Road to the development boundary. This will prevent parking near the development and also assist with visibility sightlines when exiting the proposal.

Waste storage has not been shown on the plans provided for the residential and commercial element of the proposal this should be conditioned along with a waste management strategy.

Future residents should be provided travel packs information can be found on the ideas in motion website to assist with this.

No objection is raised on highway grounds.

## **Affordable Housing**

### 6.3 Affordable housing threshold

Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is outlined below:

10 to 49 units = 20%, 50+ units = 30%

The Strategic Housing Team therefore require 6 AH units as part of the development.

#### Dwelling Mix

*The SHMA Review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages indicated below are the affordable housing provision by bedroom size for the borough.*

The percentage of affordable housing element required within the borough: -

1 bed	2 bed	3 bed	4+ bed
16%	43%	37%	4%

The Strategic housing team would therefore require the following mix of dwellings as part of the 6 units of affordable housing – 1x 1bf, 3 x 2bf, 2 x 3 bf.

#### Tenure Mix

As indicated in the Development Management DPD Policy DM7 we would request a tenure mix of: - 60/40% (60% rented, 40% intermediate housing).

Of the six units of affordable housing we would require 4 units to be affordable rented and 2 units to be shared ownership.

#### Overall

The Strategic Housing team would be supportive of a scheme that would offer 6 units of affordable housing on site or a financial contribution of £452,892.00\* (subject to agreement with the Council that on-site provision is not feasible).

## **Education Officer**

- 6.4 This application sites with the catchment areas of Darlinghurst Primary School and Belfairs Academy (Secondary). Whilst there are places in Darlinghurst Primary, Belfairs Academy is full. Places are only available for secondary at Futures Community College (changing name to Southchurch High School) for secondary which is approximately 4 miles away and over the DfE recommended travel distance. A contribution to Belfairs Academy is therefore recommended to address the secondary school impact. On the breakdown of the number of bedrooms per unit this equates to £88,728.77.

## **Airport Director**

- 6.5 No objections subject to the proposed building being no taller than 56m AOD. Any crane or piling rig to construct the proposed development will be required to have full coordination with the Airport Authority.

## **Essex County Fire & Rescue**

- 6.6 The access arrangement should be in accordance with the details contained in approved document building Regulation B5. The development shall be carried out in accordance with the building control requirements and liaise with the Fire Service. Water supplies shall be provided together with sprinkler systems during the building control stage.

## **Anglian Water**

- 6.7 No objections.

Wastewater treatment-Foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

Foul sewage network- sewerage system at present has available capacity for these flows. If the developer wishes to connect to sewage notice should be served under S106 of the Water Industry Act 1991.

Surface water- surface water management does not relate to Anglian Water operated assets.

Trade effluent- not applicable.

## **Public Consultation**

- 6.8 Site notice displayed on the 24.05.2017 and 53 neighbours notified of the proposal. 17 letters of representation have been received stating:

- The height of the proposed flats will result in overlooking and loss of privacy;
- Visitors to the flats and commercial units will increase parking in the adjacent roads;
- Road safety implications;
- 3-4 family homes should be built in Darlinghurst Grove;
- Development not in keeping with the surrounding area;
- Not enough parking;
- Access for emergency vehicles will be restricted;
- Refuse area would be unhygienic;
- 4 storey building would have a significant impact on surrounding residents and out of keeping with the surrounding area;
- Loss of light;
- Disturbance from the underground parking;
- Environmental damage to the area;
- Strain on commercial shops;
- 30 flats excessive;

- Inclusion of a commercial unit is unacceptable;
- Serious hazard for highway and pedestrian safety;
- Noise pollution;
- Overbearing form of development;
- Flat roof design out of keeping with the surrounding area;
- The overall design is unsympathetic in scale, bulk and mass to the surrounding area;
- The proposal will contribute to the growing demand on local services which are already stretched in the area.

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.

## **7 Relevant Planning History**

- 7.1 Demolish existing building and erect two blocks part 2, part 3, part 4 storey comprising of 38 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores (Outline Application) (Amended Proposal)- Refused (15/01844/OUTM)
- 7.2 Demolish existing building and erect two blocks part 2, part 3, part 4 storey comprising of 38 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores (Outline Application) (Amended Proposal)- Refused (14/01965/OUTM)
- 7.3 Demolish existing building and erect two blocks part 2, part 3, part 4 storey comprising of 38 flats, 1 commercial unit on ground floor lay out parking, refuse and cycle stores (outline application)- Withdrawn (13/01137/OUTM)
- 7.4 Demolish existing buildings, erect 4 storey block comprising of mixed uses to basement and ground floor levels (1440m<sup>2</sup> retail class A1 and leisure class D2) and 16 self-contained flats with balconies on upper floors, erect one 3 storey block of 7 flats and erect one two storey dwellinghouse fronting Darlington Grove, lay out 33 car parking spaces, cycle stores and refuse stores, lay out landscaping and amenity area including raised deck and new vehicular access onto Darlington Grove- Refused (07/01793/FULM)

## **8 Recommendation**

**Members are recommended to GRANT OUTLINE PLANNING PERMISSION for the following reasons:**

- (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:**

- **EITHER provision of 6 affordable housing units (comprising of 1x1bed, 3x2bed and 2x3bed, and including 4 affordable rented units and 2 shared ownership units) OR payment of a financial contribution for affordable housing of £452,892 (index-linked) in lieu of on-site provision, prior to occupation of the 10<sup>th</sup> dwelling**

- a financial contribution towards secondary education provision of £88,728.77 (index-linked), specifically providing increased capacity at Belfairs Academy, which is payable prior to commencement
- (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:

- 1 Details of the appearance and landscaping (hereinafter called the "Reserved Matters") of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matter to be approved.**

**Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.**

- 2 The development hereby permitted shall be carried out in accordance with the approved plans 100 Location Plan; 201 Proposed site plan; 105 Existing Floor Plans; 106 Existing Elevations; 201 Indicative Streetscenes; 202A Indicative Basement and Ground Floor plans; 202 Indicative First and Second Floorplans; 204 Indicative Third and Fourth Floor plans.**

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

- 3 Details of the external materials to be used in the construction of the development hereby approved shall be submitted to the Local Planning Authority concurrently with the Reserved Matters application. The development shall only be implemented in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), Development Plan Document 1 Southend on Sea Core Strategy 2007 policy KP2 and CP4; Development Plan Document 2 Southend on Sea Development Management 2015 policy DM1, and SPD1 (Design and Townscape Guide) 2009.**

- 4 No development approved by this permission shall be commenced until the Local Planning Authority has approved in writing a full scheme of highway works (including detailed designs and contract details) and the relevant highways approvals are in place, in relation to loading bay on London Road.**

**The works shall thereafter be undertaken in accordance with the approved details and completed prior to occupation of the hotel hereby approved unless otherwise agreed in writing by the local planning authority.**

**Reason: In the interests of highways management and safety in accordance with (Core Strategy) DPD1 policy KP2, CP3, CP4; (Development Management) DPD2 policy DM15 and the Design and Townscape Guide.**

- 5 No dwelling shall be first occupied until one parking space to serve that dwelling and four disabled spaces have been laid out, together with properly constructed vehicular access to the adjoining highway, all in accordance with details which shall have been submitted to and approved by the local planning authority, such provision to be permanently reserved for the parking of vehicles of occupiers and callers to the property and not used for any other purpose whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order).**

**Reason: To make provision for parking off the highway, in the interests of highway and pedestrian safety and to safeguard the character and amenities of the area in accordance with Policy CP3 of the Core Strategy DPD1, DPD2 (Development Management) policy DM15 and the Design and Townscape Guide.**

- 6 The commercial premises shall not be occupied until twenty four parking space to serve commercial unit have been laid out, together with properly constructed vehicular access to the adjoining highway, all in accordance with details which shall have been submitted to and approved by the local planning authority, such provision to be permanently reserved for the parking of vehicles of occupiers and callers to the property and not used for any other purpose whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order).**

**Reason: To make provision for parking off the highway, in the interests of highway and pedestrian safety and to safeguard the character and amenities of the area in accordance with Policy CP3 of the Core Strategy DPD1, DPD2 (Development Management) policy DM15 and the Design and Townscape Guide.**

- 7 Details of waste and cycle storage to be provided at the site shall be submitted to the Local Planning Authority concurrently with the Reserved Matters application. The waste and cycle storage shall be implemented in accordance with the approved details before the development is occupied and shall be retained in perpetuity thereafter.**

**Reason: To ensure that satisfactory secure off-street bicycle parking is provided to promote sustainable transport and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with Development Plan Document: Southend on Sea Core Strategy 2007 policies KP2, CP3 and CP4: Southend on Sea Development Plan Document 2 Development Management 2015 policies DM1 and DM15, and Supplementary Planning Document 1 (Design and Townscape Guide) 2009.**

- 8 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted concurrently with the Reserved Matters application and be implemented in full in accordance with the approved details prior to the first occupation of the flats. This provision shall be made for the lifetime of the development.**

**Reason: In the interests of providing sustainable development in accordance with Development Plan Document 1 Southend on Sea Core Strategy 2007 Policy KP2; Development Plan Document 2 Southend on Sea Development Management Document Policy DM2 (2015).**

- 9 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.**

- 10 Details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development hereby approved. The approved details shall be implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.**

**Reason:** To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Development Plan Document 1: Southend on Sea Core Strategy policy KP2, Development Plan Document 2: Southend on Sea Development Management Document policy DM2 (2015) and SPD1 (Design and Townscape Guide) 2009.

- 11 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.

- 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** The commercial units, hereby permitted, shall only be used for the purposes falling with Class A1, A2, B1 (a), D2 (gym) of the Schedule to the Town and Country Planning (Use Classes) Order, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the employment provision within the borough, in accordance with Policy CP1 of the Core Strategy, DPD2 (Development Management Document) 2015 policy DM10 and DM11.

- 14** Details of the proposed hours and days of opening in conjunction with A1, A2, B1 (a), D2 (gym) and Class uses shall be submitted to and approved in writing prior to occupation of each unit respectively. Thereafter the A1, A2, B1 (a), D2 (gym) uses shall be operated only in accordance with the approved hours of opening.

**Reason:** To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties in accordance with DPD2 (Development Management Document) 2015 policy DM1.

- 15** No dust or fume extraction or filtration equipment, or air conditioning, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharging points and predicted acoustic performance have been submitted to and approved by the local planning authority. The equipment as installed shall be retained in good working order at all times thereafter. The development shall only be implemented in accordance with the approved details.

**Reason:** To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the employment provision within the borough, in accordance with DPD2 (Development Management Document) 2015 policy DM1.

- 16** Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 3 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' and the remaining 28 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).

- 17 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.**

- 18 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.**

#### **Informative**

- 1 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)**
  - 2 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 affordable housing provision and an education contribution.**
  - 3 In relation to Condition 4, you are advised to contact Highways Engineer – Martin Warren (Tel: 01702 534328) to discuss the requisite Highways Licence, and costs of associated works. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works.**
- (c) In the event that the planning obligation referred to in part (a) above has not been completed by 1<sup>st</sup> September 2017 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.**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**