

Reference:	17/00821/AMDT	
Ward:	Victoria	
Proposal:	Application to vary condition 2 (approved plans) of planning permission 16/01503/FULM (Demolish existing buildings, erect 3 storey block comprising of 44 flats, 252sq. m retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated works) dated 29/03/2017 to alter elevations, alter layout, alter unit mix.	
Address:	411-415 Sutton Road Southend on Sea	
Applicant:	Dove Jeffrey Homes Ltd	
Agent:	FRONT Architecture Ltd	
Consultation Expiry:	8th August 2017	
Expiry Date:	20th September 2017	
Case Officer:	Charlotte Galforg	
Plan Nos:	FRNT_16.563_200_P5 site plan and streetscene; FRNT_16.563_201_P4 Block A floor plans; FRNT_16.563_202_P4 Block B floor plans; FRNT_16.563_204_P4 Block A elevations; FRNT_16.563_205_P4 Block B elevations; FRNT_16.563_203_P3 Block C Floor Plans; FRNT_16.563_206_P4 Block C elevations: Location plan 001.	
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

Background

- 1.1 This application seeks amendments to the scheme approved under ref 16/01503/FULM, to demolish existing buildings, erect a 3 storey block comprising 44 flats, 252sq.m of retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated highways works. It is now proposed that the development would be taken on by a Registered Provider (Estuary) and the changes that are proposed are required to “support the viability of affordable housing across the scheme”.
- 1.2 The changes that are proposed are as follows and essentially propose to alter the building’s elevations, layout, and the unit mix. It should be noted that the application as originally submitted also proposed to remove roof top amenity space and lifts, however these elements have been reinstated at the request of officers.
- 1.3 The approved scheme 16/01503/FULM proposed:

- 4 x 1 bedroom 2 person flats
- 22 x 2 bedroom 3 person flats
- 10 x 2 bed 4 person flats
- 8 x 3 bed 4 person flats.

The amended scheme proposes:

- 4 x 1 bed 2 person flats
- 14 x 2 bed 3 person flats
- 26 x 2 bed 4 person flats.

- 1.4 Internal changes include:
Block A and B - Bin store access door has been moved from the North to the West side of the building; en-suite bathrooms removed; layout changes to facilitate bedroom changes as outline in para 1.3. Block C - layout changes to facilitate bedroom changes as outline in para 1.3.
- 1.5 The external elevations are proposed to be amended to reflect minor changes to window detail and location, and the revised bin store location.
- 1.6 The remainder of the scheme is unchanged from that approved under ref 16/01503/FULM.
- 1.7 The ground floor of the southernmost units would comprise a retail/commercial unit (252 sqm of retail space would be provided). The parking areas to serve both uses would be laid out to the rear. The upper floors would be solely used for residential purposes. Balconies would be provided for a number of the units and large communal amenity areas would be provided at roof level. A total of 828 sqm of amenity space is provided, the majority of which is roof top communal area, and which equates to approx. 18.sqm per dwelling.
- 1.8 The development would be of a contemporary design, with a flat roof. The buildings are articulated by the use of canopies, balconies and the use of materials. The proposed materials are buff brick and white render, with timber clad panels and grey UPVC windows and grey aluminium doors. Fencing would be erected on boundaries and the hardstanding is proposed to be permeable block paving.
- 1.9 A total of 44 car residential parking spaces (100%) are proposed to the rear of the development together with 52 cycle parking spaces. New parking/loading laybys are proposed to be created within the highway, providing an additional loading space to the front of the development, together with parking bays. 10 on site spaces would be provided to serve the commercial unit and 6 on street car parking spaces/loading bay created. Two vehicular accesses are proposed to serve the development, one at the southern end of the site to serve the commercial units and parking and one towards the northern end, to serve the residential units.
- 1.10 The opening hours of the retail units were previously confirmed to be 0700 – 2300 hours, 7 days a week.
- 1.11 9 units 2 x 1 bed and 7 x 2 bed are proposed to be Affordable Housing (tenure affordable rent). This equates to 20%. The applicant has submitted a supporting statement from the Estuary Housing setting out why the proposed changes are considered necessary. It is understood that it Estuary's intention to occupy the whole of the development is as Affordable Housing, however this is subject to funding.

2 Site and Surroundings

- 2.1 The application site lies on the western side of Sutton Road, between the junction of Vale Avenue and Kenway. The site covers an area of 0.3 hectares. Buildings currently occupy the majority of the site. The existing buildings on the site are primarily 2-storey, with the main height focused on the street frontage with a parapet roof detail. Some of the buildings are rendered in white, others are brick. Generally they have crill windows. This site and the buildings on it, form part of a significant block with a long, linear street frontage.
- 2.2 There is at present a limited area of off street parking to the front of the buildings, this currently results in vehicles overhanging the footpath, is of a poor quality, and has a negative visual impact. There is a run of mature street trees to the front of the site. There are a number of existing vehicular accesses crossing the pedestrian footpath.
- 2.3 The last authorised use of the site was for B8 (warehouse) employment use.
- 2.4 Development around the site is generally two storey, however a small, three storey block of flats has recently been erected opposite the site. Also to the north of the site, at the junction of Sutton Road and East Street lie a number of blocks of 4 storey, flat roof, flats. To the north and south of the application site lie commercial units. Opposite to the east is a mix of two storey houses, flats and shops with flats above. To the rear (west) of the site, lie the two storey residential properties in Glenhurst Road. These have rear gardens which abut the site.
- 2.5 The site is allocated as proposals site PA9.1 within the emerging Southend Central Area Action Plan (SCAAP) as part of the Sutton Gateway Policy Area and as part of a wider site for housing and community uses.

3 Planning Considerations

- 3.1 The principle of redevelopment of the site for retail and residential uses, specifically 44 flats has previously been accepted under application ref 16/01503/FULM, as has the size, scale and mass of the development, the impact of the development on traffic generation and highways safety and amount of parking provision. The amount of development and footprint of the building remains unchanged and therefore the impact on trees, archaeology, flood risk and drainage, contamination and sustainability remains the same as that previously considered to be acceptable.
- 3.2 The only matters which now fall to be considered are therefore, housing mix, detailed design, impact on surrounding occupiers, living conditions for future occupiers and developer contributions.

4 Appraisal

Housing mix

Planning Policies: NPPF, Core Strategy (2007) policies KP2, CP8; Development Management Document (2015) Policy DM7.

- 4.1 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types (including tenure) and sizes will help to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types will provide greater choice for people seeking to live and work in Southend and will therefore also support economic growth. The Council therefore seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand. Policy DM7 of the Development Management Document requires all residential development to provide a mix of dwelling size and type.
- 4.2 Paragraph 159 of the NPPF requires local planning authorities to have a clear understanding of housing needs in their area and they should prepare a Strategic Housing Market Assessment ('SHMA') which identifies the scale and mix of housing that the local population is likely to need. The Southend-on-Sea Housing Strategy 2011, the SHMA 2013 and the Council's Community Plan 2011-2021 seek to provide sustainable balanced communities and advise that housing developments will need a range of tenures and size of dwelling. The SHMA has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation. The provision of high quality, affordable family homes is an important strategic housing priority in Southend and the Core Strategy highlights a need to retain a stock of larger family housing.
- 4.3 Policy DM7 states:
- "The Council will promote the mix of dwellings types and sizes, taking account of those outlined in the SHMA, illustrated in Policy Table 2, in all new major* residential development proposals. Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council."*
- 4.4 Application 16/01503/FULM was amended during its submission to include 8 x 3 bed units (18%) and proposed a mix of 1, 2 and 3 bed dwellings of which 20% would be required to be affordable. It is noted that this was a significant uplift from the scheme that was previously allowed at appeal (15/01130/FULM) and which contained 26% one bed units and 73% 2 bed units. .
- 4.5 The development is now to be brought forward on behalf of a Registered Provider (RP). It is noted that although intention of the RP applicant is to provide 100% AH, in order to address grant funding issues for the registered provider, the scheme is proposed in a policy compliant form, ie 20% AH will be required by S106.

- 4.6 The RP is seeking to provide a mix of one and two bed units only (for 2, 3 and 4 persons). They have submitted supporting evidence summarised as follows:

“Estuary Housing Association’s current demand for Affordable Housing is 1 and 2 bedroom properties. Estuary find on [sic] 3 bedroom properties where families fully reliant on benefits will struggle with the affordability, even though rental levels are within Local Housing allowance, this is due to the benefits cap.

Where there are family units without an appropriate outside “private space” i.e. houses with gardens we have often experienced high levels of complaints from occupants of neighbouring properties reporting nuisance behaviour caused by children/youths. We have found that where there is sufficient private space, reports of this nature are far reduced. In the event private space is not possible, we would recommend 2 bedroom rather than 3. With 3 bedroom property the maximum occupancy is greater and this in turn can cause more issues due to the volume of persons. Noise is our highest reported “anti-social behaviour type.

We would further advocate 2 bedroom properties rather than 3 to support future flexibility of the occupants in the event they need to move. Where there is a need for alternative accommodation Estuary would encourage residents to consider mutual exchange as an option, however, persons occupying a 3 bedroom flat without access to a private space would struggle to secure a swap via this route as this type of accommodation is far less sought after.”

- 4.7 Whilst officers are not persuaded by all the arguments put forward by Estuary it is noted that the Strategic Housing Team have responded that: As of June 2017 the Homeseekers Register data shows the greatest need for of affordable rented accommodation is 1 and 2 bed accommodation accounting for 84.5% of those in highest priority bands. Therefore a mix of 1 and 2 bed accommodation offered in this scheme is found to be acceptable by the Strategic Housing Team.

- 4.8 It is also noted that the previous application on the site (15/01130/FULM), although refused, was not refused for reasons relating to the housing mix, and the Inspector allowed the subsequent appeal. That development did not include 3 bed units. The permission (15/01130/FULM) remains extant and this is a material consideration when considering the current application.

- 4.9 On balance, given the evidence of the RP, the current Homeseekers Register data, the history of the site and the fall back position of the extant permission, it is considered that the revised housing mix as proposed is acceptable in this particular case.

Design, regeneration and the impact on the character of the area.

Planning Policies: NPPF, Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) Policies DM1, DM3; Design and Townscape Guide (2009).

- 4.10 A core planning principle set out in Paragraph 17 of the NPPF is to seek to secure high quality design and good standards of amenity for existing and future occupants.

- 4.11 The NPPF also states at paragraph 56:
“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.”
- 4.12 The need for good design is reiterated in policies KP2 and CP4 of the Core Strategy DM1 and DM3 of the Development Management Document the Design and Townscape Guide.
- 4.13 As noted above, the scale, mass and height of the development has previously been found to be acceptable. The only changes to the design of the building now proposed, result from the changes in internal layout. These changes are limited to the relocation of a door to the refuse store on block A and the repositioning and resizing of several windows within the development. The impact on the overall design and resulting character of the development is minor and is considered to be acceptable.

Impact on amenity of adjacent occupiers and future occupiers of the development

Planning Policies: NPPF, Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) policies DM1, DM3, DM8; Design and Townscape Guide (2009)

- 4.14 Policies DM1 and DM3 of the Development Management DPD and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. The size, scale, siting, massing, general position of fenestration and provision of roof terraces were all accepted as part of application 16/01503/FULM. Thus the only issue to be considered at this juncture, in relation to the impact on neighbours relates to the amendments that are now proposed.
- 4.15 The revised siting of the refuse store door and internal changes to the units will have no impact on surrounding occupiers. The number of units remains the same and the level of occupation has not increased as a result of the proposed amendments, thus there will be no greater impact on neighbours in terms of the activity created as a result of the development.
- 4.16 It is noted that the properties in Glenhurst Road, to the rear of the site, are located some 36m from the rear of the proposed flats. The alterations to the fenestration that are proposed are minor, mainly relating to a slight change in positioning of windows and will not result in greater numbers of windows, or larger windows facing towards the rear of the site, or increased overlooking. It is likely these changes will be barely perceptible to surrounding occupiers.
- 4.17 Thus the impact of the development on the amenities of adjacent occupiers is considered to be in accordance with policy and it acceptable.

Impact on future occupiers

- 4.18 It is also necessary to consider whether the proposed amendments will result in an acceptable environment for future occupiers of the flats. Development Management Document Policies DM1, DM3 and DM8 refer.

Size and layout of units

- 4.19 It is the Council's aim to deliver good quality housing, ensuring that new developments contribute to a suitable and sustainable living environment now and for future generations. To achieve this, it is necessary to ensure that new housing developments provide the highest quality internal environment that will contribute to a good quality of life and meet the requirements of all the Borough's residents. Minimum space standards are intended to encourage provision of enough space in dwellings to ensure that they can be used flexibly by residents, according to their needs, and that sufficient storage can be integrated.
- 4.20 The National Technical Standards (NTS) include housing size standards. The proposed development as amended meets the NTS unit and bedroom size standards. The changes to fenestration that a proposed no result in any decrease in amount or quality of light to the affected rooms.

Amenity Space

- 4.21 Private outdoor space is an important amenity asset and provides adults and children with external, secure recreational areas. It is considered that this space must be useable and functional to cater for the needs of the intended occupants. All new residential units will be expected to have direct access to an area of private amenity space.
- 4.22 The amount and detail of the proposed amenity space was agreed for application 16/01503/FULM as a total of 828sqm of amenity space, the majority of which is roof top communal area, with some balconies. This equates to approx. 18.sqm per dwelling, which is quite generous for this type of development. The alteration to unit mix does not result in increased occupancy levels and therefore the amount and quality of amenity space is considered to remain acceptable to meet the needs of occupiers.
- 4.23 Thus, taking into account the proposed amendments, the quality of the environment for future occupiers is considered to be acceptable and in accordance with policy.

Developer contributions

Planning Policies: NPPF; Core Strategy (2007) policy KP3.

4.24 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.

This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”

4.25 The above addresses the specific mitigation for 411 Sutton Road for matters not addressed within the Regulation 123 Infrastructure List. With the exception of the detail of the proposed affordable housing units, the provisions of the S106 Agreement are the same as those previously agreed in relation to application 16/01503/FULM.

4.26 Affordable Housing – The development is proposed to be built out with 20% AH required by the S106 agreement in compliance with DM7. The applicant states that the tenure is to be affordable rented units (as agreed under application 16/01503/FULM) and considers the provision of 2 x 1 bed and 7 x 2 bed units, as proposed, to meet current need. Given the history of the site, and the evidence submitted by the application, this revised unit mix and proposed tenure is considered acceptable.

4.27 Highways works – Highways works are proposed to the front of the site to create the additional loading and parking bays and to alter street furniture. These works are required to meet the needs of the development and should be carried out by the developer at their expense. It is considered that it will be more financially efficient for the developer to carry out these works (rather than the Council) and therefore they will be controlled by use of a Grampian Condition. A contribution of £4000 is, however, sought as part of the S106 Agreement to fund the necessary TRO for the development.

4.28 Travel Packs and Travel Plans – Travel Packs will be required for the residential development and a travel plan will be required for the retail development.

4.29 Public realm enhancements – These will be a welcome element of the scheme and in line with the principles set out in the emerging SCAAP and should contribute to the regeneration of this part of Sutton Road. These will be integral to the highways works with details now required by Grampian condition and will include but not be limited to: removal of existing redundant crossovers and street furniture to the front of the site and installation of new street furniture and paving to the front of the site.

- 4.30 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 10.

Community Infrastructure Levy Regulations

- 4.31 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:

- a) necessary to make the development acceptable in planning terms; and
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report would meet all the tests and so that if the application were otherwise considered to be acceptable this would constitute a reason for granting planning permission in respect of application.

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a gross internal area of approximately 3,155 sqm. The resulting total CIL contribution for this site is approximately £78,764.12, however this is subject to confirmation and may also be significantly reduced if the applicant is able to claim Social Housing relief.

5.0 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The mix of units is found to be acceptable taking into account the history of the site and current housing need. The proposal would provide adequate amenities for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are not considered to be acceptable. This application is therefore recommended for approval subject to completion of a S106 Agreement and to conditions.

6.0 Planning Policy Summary

- 6.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment.
- 6.2 Core Strategy (2007) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies: Policy DM1 – Design Quality; Policy DM2 – Low Carbon Development and Efficient Use of Resources; Policy DM7 – Dwelling Mix, Size and Type; Policy DM8 – Residential Standards; Policy DM11 – Employment Areas; Policy DM15 – Sustainable Transport Management.
- 6.4 Design & Townscape Guide (2009).
- 6.5 Planning Obligations (2010)
- 6.6 CIL Charging Schedule 2015, Regulation 123 List
- 6.7 National Housing Technical Standards 2015
- 6.8 Southend and Central Area Action Plan (SCAAP) Revised Proposed Submission Document (2016)

7.0 Representation Summary

- 7.1 **Police Architectural Liaison Officer** - no response.
- 7.2 **Police Licensing Liaison Officer** – no response.
- 7.3 **Parks** – no response.
- 7.4 **Traffic and Highways** – No objection
- 7.5 **Design and Regeneration** – No objection.
- 7.6 **Environmental Health** – No comments regarding proposed amendments.

7.7 **Housing – Affordable housing threshold** - Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is outlined below:

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

This development therefore complies with this requirement and over provides the necessary amount of affordable housing.

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 development does not meet this requirement however this is due to the overall housing mix offered i.e. only offering 1 and 2 bed flats. In respect of affordable dwelling mix, size and type – policy DM7 stipulates a preferred affordable dwelling mix and indicative tenure mix as outlined in the SHMA. It also specifies that the Council will take into account latest affordable housing evidence when considering an appropriate mix therefore in order to respond to mounting housing pressures we have analysed current and historic housing need figures from the Council’s Homeseeker’s Register to make this response.

As of June 2017 our Homeseeker’s Register figures for Housing bands A&B (highest priority) are as follows:

MinBedSize	Band A	Band B	Grand Total	%
0/1	117	32	149	54.98
2	35	45	80	29.52
3	4	28	32	11.81
4		9	9	3.32
5		1	1	0.37
Grand Total	156	115	271	

The Homeseekers Register data shows the greatest need for of affordable rented accommodation is 1 and 2 bed accommodation accounting for 84.5% of those in highest priority bands. Therefore a mix of 1 and 2 bed accommodation offered in this scheme is found to be acceptable by the Strategic Housing Team.

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

The proposed scheme offers 26 affordable rent units and 18 shared ownership units which equates to an overall tenure mix of 60:40 which is line with the policy and is therefore welcomed by the Strategic Housing team.

Overall - The Strategic Housing team support this proposal and welcome the provision of 44 units of affordable housing in the borough.

8.0 Public Consultation

8.1 Site notices posted and 67 neighbours notified. Press notice published. Site Notice displayed.

8.2 Two letters received from the same objector raising the following issues:

- No indication of boundary fencing or landscape details [**Officer comment: this issue will be dealt with by condition.**]
- Possible damage to property during development [**Officer Comment – this matter would be dealt with under separate legislation.**]
- Concerns re removal of asbestos. [**Officer Comment – this matter would be dealt with under separate legislation.**]
- The area is surrounded by blocks and blocks of new build flats and the parking situation is already a nightmare.
- Noise
- Privacy

8.3 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.

9.0 Relevant Planning History

9.1 June 2015 – Planning permission refused to: demolish existing buildings, erect part 3/part4 storey block comprising 55 flats, 395sqm retail commercial floorspace at ground floor, communal amenity space, landscaping, parking and associated works. 14/02043/FULM

Refused for the following reason: *The proposed development, by reason of its bulk, height, and massing, along with its proximity to nearby residential properties, would result in overbearing and overlooking to the detriment of residential amenities, contrary to the NPPF, Policy CP4 of the Southend Core Strategy 2007, C11 and H5 of the saved Southend Borough Local Plan 1994, and guidance contained within the Design & Townscape Guide.*

9.2 November 2015 – Planning permission refused for proposed a 3 storey block of 49 flats with 395sqm of retail/commercial space at ground floor (15/01130/FULM) That application was refused for the following reasons:

01. The proposed development, by reason of its bulk, height, and massing, along with its proximity to nearby residential properties, would result in overbearing and overlooking to the detriment of residential amenities, contrary to the NPPF, Policy CP4 of the Southend Core Strategy 2007, DM1 of the Southend Development Management DPD and guidance contained within the Design & Townscape Guide

02. The proposed development fails to meet the National Housing Technical Standards in terms of unit sizes and would not result in high quality flexible living environments. As such the proposal is contrary to Policy DM8 of the Southend Development Management DPD (2015).

03. The proposed development would fail to make provision for adequate and accessible private outdoor amenity space, by virtue that the plans submitted do not demonstrate how the rooftop terrace could be accessed by wheelchair users and less ambulant residents. As such the proposal is contrary to Policy DM8 of the Southend Development Management DPD (2015) and Part M4 of the Building Regulations 2010.

The application was subsequently allowed on appeal.

- 9.3 July 2017 – Prior Approval granted to Demolish former college buildings (Application for Prior Approval for Demolition) ref 17/00709/DEM.
- 9.4 August 2017 - Details approved pursuant to condition 9 (Construction Method Statement) of planning permission 16/01503/FULM ref 17/00883/AD
- 9.5 August 2017 - Details approved pursuant to condition 4 (Hard and Soft Landscaping) and 19 (Landscape Management Plan) of planning permission 16/01503/FULM ref 17/00884/AD
- 9.6 August 2017 - Details approved pursuant to condition details pursuant to condition 25 (Tree work and tree protection method statement) of planning permission 16/01503/FULM ref 17/00885/AD
- 9.7 August 2017 - Details approved pursuant to condition 26 (Public Realm Improvement details) of planning permission 16/01503/FULM 17/00974/AD
- 9.8 Under consideration - Application for approval of details pursuant to condition 15 (Details of SUDs) of planning permission 16/01503/FULM dated 29.03.2017ref 17/00954/AD

Recommendation

10.0 Members are recommended to:

- (a) **DELEGATE to the Head of Planning and Transport or Group Manager of Development Control & 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 seek the following:**
 - **A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 2x1 bed and 7x2 bed units.**
 - **Traffic Regulation Order contribution of £4,000**
 - **Provision of Travel Packs for residents.**
 - **Retail Travel Plan.**
- (b) **The Director for 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 the original permission (29th March 2017).

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: FRNT_16.563_200_P5 site plan and streetscene; FRNT_16.563_201_P4 Block A floor plans; FRNT_16.563_202_P4 Block B floor plans; FRNT_16.563_204_P4 Block A elevations; FRNT_16.563_205_P4 Block B elevations; FRNT_16.563_203_P3 Block C Floor Plans; FRNT_16.563_206_P4 Block C elevations: Location plan 001.

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

- 03** No construction works above the floor 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, front porches and hoods have been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009

- 04** Hard and Soft Landscaping shall be carried out in accordance with details approved under application 17/00884/AD and plan No 2244-17 received on 14th August 2017 unless otherwise agreed in writing with the Local Planning Authority. Hard Landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. (or within any other time limit agreed in writing with the local planning authority) The landscaping shall be permanently retained thereafter. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 and DM3 of the Development Management Document 2015.

- 05** The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 200 P4 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors 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 (2007) and Policy DM15 of the Development Management Document 2015.

- 06** The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be occupied in accordance with the agreed management plan.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015)

- 07** 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 only in accordance with the approved details.

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

- 08** The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the retail/commercial unit have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and shall be 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 (2007) DPD1 and Policy DM15 of the Development Management Document (2015).

- 09** Construction shall be carried out in accordance with the Construction Method Statement approved under application 17/00883/AD unless otherwise agreed in writing with the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of visual amenity and to protect the amenities of occupiers of the development and surrounding occupiers pursuant to Policies CP4 of the Core strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

- 10 Before the retail use hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the retail unit is occupied. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.**

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

- 11 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015.)

- 12 The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours on any day.**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

- 13 No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 14 Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology approved under application ref 17/00953/AD. The results of the site investigation shall be made available to the local planning authority before any construction begins.**

If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any further contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is brought into use.

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

- 15 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. 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 Policy DM2 of the Development Management Document 2015.

- 16 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the retail use hereby permitted begins and residential apartments are occupied. The development shall be carried out in accordance with the approved details. 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 Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 of the Development Management Document (2015).

- 17 No construction works above the level of the floor slab shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the Local. Planning Authority. The details shall include the insulation scheme including predicted internal Lmax and LAeq levels for the noise sources identified in the noise assessment. Glazing and ventilation shall be selected with relevant acoustic properties as outlined in the Noise Assessment submitted with application 16/01503/FULM and dated 18 December 2014. The agreed noise prevention measures will be installed prior to first occupation of the dwellings and retained at all times thereafter.**

Reason: In order to the protect the amenities of future residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 18 Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on 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 Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 19 Landscape management of the development, including management responsibilities and maintenance for all landscape areas shall be carried out only in accordance with details approved under application 17/00884/AD.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015.)

- 20** No construction works above the level of the floor slab shall take place until details of the proposed Photovoltaic cells set out in the Energy and Sustainability Statement by Fusion 13 submitted with application 16/01503/FULM have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the development.

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document 2015.

- 21** Prior to the installation of any shopfront, the details of the design, materials, glazing, doors, shutters, signage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The retail unit development shall be carried out in accordance with the approved details before it is occupied and permanently retained thereafter.

Reason: In order to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document 2015.

- 22** Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 and DM13 of the Development Management Document (2015).

- 23** 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

- 24** The commercial floorspace hereby approved shall only be occupied for uses falling within Use Class A1 retail and shall not be used for any other purpose and for no other purpose including any within Classes A, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force). The hereby approved Use Class A1 retail floorspace shall also not be used for any alternative uses otherwise permitted under the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking or re-enacting that Order).

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 25** The development shall be carried out in accordance with the Method Statements for Tree Protection and Tree Works approved under application 17/00885/AD unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policy DM1 of the Development Management Document (2015)

- 26** The development shall not be occupied until new accesses, removal of the existing redundant crossovers and street furniture, loading bays, on street car parking spaces and public realm improvements in accordance with details approved under application 17/00974/AD have been implemented in full and (prior to this) the Council as Highways Authority has approved in writing a full scheme of highways works and the relevant associated highways approvals are in place.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance Core Strategy (2007) policies KP2, KP3 and CP3 and policies DM1 and DM15 of the Development Management Document (2015)

Informatives

- 1** 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.

- 2** For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK
- 3** The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.
- 4.** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 5.** An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.
- 6** There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.
- 7** The applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342

- 8** Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil.
- 9** In relation to Condition 26; you are advised to contact Highways Engineer – Martin Warren; (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.

c) In the event that the planning obligation referred to in part (a) above has not been completed by 20th September 2017 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 :- i) provide for improvements to the public highway and the public realm within the vicinity of the site; ii) provide an effective means of enforcing/delivering a Travel Plan; iii) provide for a satisfactory provision of public art and iv) provide for a satisfactory method of servicing the development vi) provide for affordable housing. As such, the proposal would not make a satisfactory contribution towards the quality of the built environment within the vicinity of the site, would traffic congestion and be to the detriment of highway safety and is likely to place increased pressure on public services and infrastructure to the detriment of the general amenities of the area, contrary to Policies KP2, KP3, CP3, CP4 and CP6 of the Core Strategy, Policies DM1, DM3, DM7, and DM15 of the Development Management DPD 2015.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.