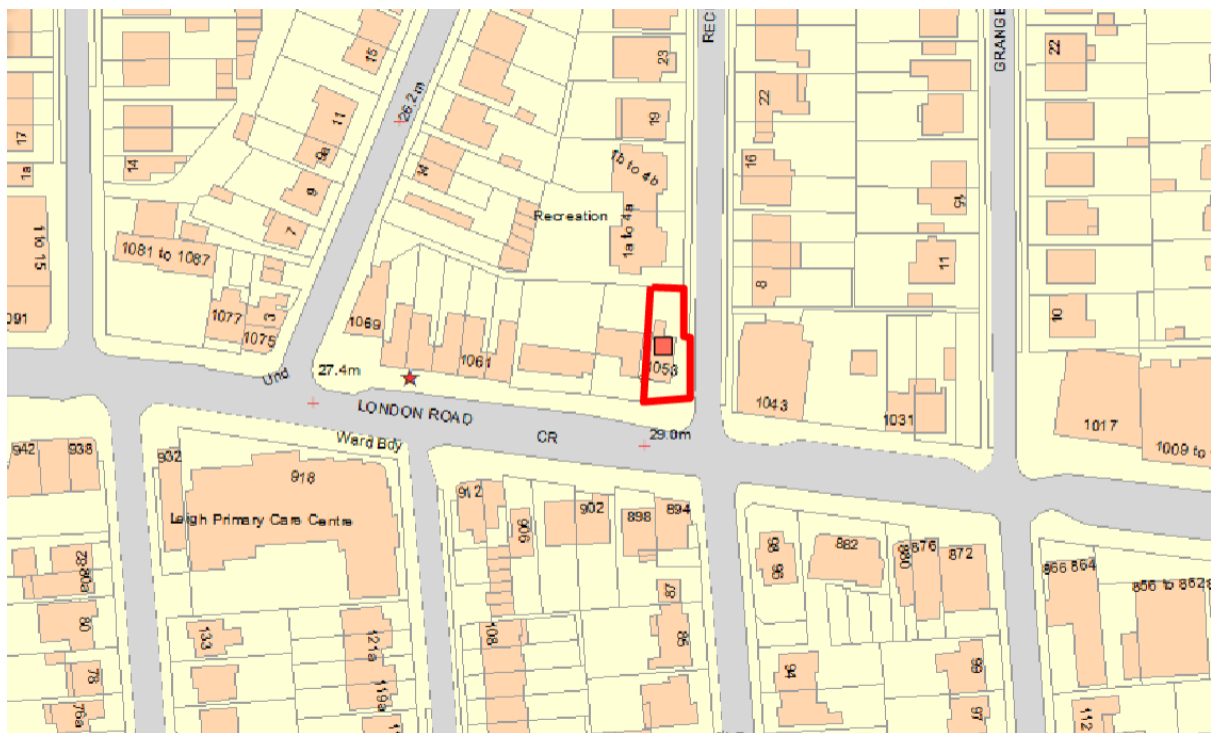


Reference:	17/01946/FUL	
Ward:	Blenheim Park	
Proposal:	Demolish existing commercial building and erect part 1/part 2 storey mixed use building comprising of ground floor retail unit (Class A1) and 3 self-contained flats (Class C3) (Amended Proposal)	
Address:	1053 London Road, Leigh-on-Sea	
Applicant:	TernRock Ltd	
Agent:	Studio:08 Architecture + Planning	
Consultation Expiry:	22.11.2017	
Expiry Date:	09.02.2018	
Case Officer:	Kara Elliott	
Plan No's:	2000.EX.01, 2000.EX.02, 2000.P.11A, 2000.P.12, 2000.P.13A, 2000.P.14, 2000.P.15A, 2000.P.16, 2000.P.17A, 2000.BP.01, 2000.LP.01	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single-storey car showroom building and construct a two storey mixed-used building with ground floor retail A1/A2 use fronting London Road with residential development to the rear of the ground floor and at first floor.
- 1.2 The building would have a footprint of approximately 152m², would reach an overall height of approximately 6.2 metres and a width of 8.4 metres. The building would have an overall depth of approximately 22 metres.
- 1.3 The proposed commercial floorspace amounts to 55.2m² at ground floor. A one bedroom, two-person flat is proposed to the ground floor at the rear with two, one bedroom, two person flats at first floor.
- 1.4 The proposed building would have a flat roof and would have a contemporary appearance owing to its straight lines, large expanses of glazing and use of modern materials for design features such as horizontal cladding at the first floor. Balconies are proposed to the front and rear. A ground floor terrace is proposed at the rear of the site for the ground floor flat.
- 1.5 In terms of access, pedestrian access for the upper flats would be taken from Recreation Avenue at the side of the building to a communal entrance lobby. The ground floor flat would also have a pedestrian access from Recreation Avenue, recessed from the highway providing a covered entrance. The commercial entrance would be taken from the south-east/front corner of the building. Bin storage would be provided at the rear/side elevation behind gates, as well as at the rear of the building.
- 1.6 Covered cycle parking is proposed within the rear of the site. No parking is provided for the retail unit or the proposed residential development.
- 1.7 This application is a resubmission of a previously refused application for a similar development. The previous application proposed a ground floor commercial unit, a one bedroom, two-person flat at ground floor, a one bedroom two person flat at first floor and a two bedroom, four person flat at first floor. The previous building was larger than that proposed and featured a curved frontage in an art-deco style. One parking space was proposed to the rear. The application was refused for the following five reasons;
 01. *The proposed development would, by reason of its size, scale, bulk, siting height and design, have an dominant impact that is out of keeping with the urban grain and represents an incongruent form of development which is wholly out of keeping with the immediate locality and would cause harm to the character and appearance the site and wider area.*
 02. *The size, scale, bulk, siting and height of the proposed development is considered to result in an obtrusive and overbearing form of development and an unacceptable loss of light to the detriment of amenities enjoyed by existing residential occupiers of 1055 London Road.*

03. *The proposed development by reason of insufficient provision of off-street parking would cause additional on street parking in an area of parking stress to the detriment highway safety and the local highway network.*
04. *The proposed development, by reason of the provision of insufficient and inadequate outdoor amenity space and the limited internal floorspace and layout of the first floor flats would result in a poor quality living environment for future occupiers.*
05. *The proposed vehicular access would conflict with an existing street tree and would be likely to result in damage to or removal of the tree to the detriment of the streetscene and general character of the area.*

1.8 The proposed development attempts to overcome the previous reasons for refusal by reducing the height, scale and bulk of the building, reducing the impact upon the occupiers of no.1055 London Road by reducing the height of built form on the eastern side elevation and providing an obscure glazed screen to the first floor front balcony. In addition, the proposed development increases the amenity space for residents and removes the single parking space at the rear in order to overcome the conflict with the existing street tree. The application has also reduced the residential accommodation to three, one bed units with no parking.

1.9 The application falls to be considered by the Development Control Committee at the request of Cllr James Courtney.

2 Site and Surroundings

2.1 The site is located on the northern side of London Road at the junction with Recreation Avenue and contains a single storey building which is currently vacant but was last used as a car showroom.

2.2 The property is located on the London Road and in this location is made up of a mixture of commercial and domestic buildings of varying size, scale and appearance.

2.3 The application site is not located within a designated Shopping Frontage area or Conservation Area.

3 Planning Considerations

3.1 The main considerations in relation to this application are the principle of the development, design, traffic and transportation, impact on residential amenity, standard of accommodation, sustainable construction and CIL contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy (2007) Policies KP1, KP2, CP4 and CP8, Development Management Document (2015) policies DM1, DM3, DM7, DM8, DM10, DM11 and the Design and Townscape Guide (2009)

- 4.1 The site is previously developed land and it is therefore relevant to Core Strategy policy CP8, which supports the provision of dwellings on such land; subject to detailed considerations where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.
- 4.2 The proposed development would result in the loss of the existing car showroom on site. However, an active shopping frontage would be maintained at ground floor facing London Road. The loss of the existing building is found to be acceptable and policy compliance in this instance.
- 4.3 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. It should also be noted that Government Policy is to maximise the use of urban land. As such there is no objection in principle to new residential units within this locality.
- 4.4 The provision of dwellings at the application site is considered acceptable in principle, subject to compliance with other relevant planning policies and guidance. Further assessment of the material considerations are assessed below.

Design and Impact on the Street Scene

National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and the Design and Townscape Guide (2009).

- 4.5 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.6 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* One of the core planning principles of stated in the NPPF requires *“to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.7 Policy DM1 of the Development Management DPD states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.8 According to Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.

- 4.9 The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant in the streetscene and development which is under scaled will appear weak and be equally detrimental (Design and Townscape Guide 2009).
- 4.10 The heights, sizes and designs of buildings vary within this location with little rhythm observed within this part of the London Road streetscene. For example, the application site is situated next to a single storey residential bungalow immediately to the west and a recently constructed three storey development consisting of 17 flats is located opposite the road to the east. The site is currently occupied by a small single storey, flat roof building which was formerly used as a car showroom/sales office. The building is of no architectural merit and its removal is not objected to.
- 4.11 It is considered that whilst the proposed development would result in an increase of built form on site; this would not be to the detriment of the application site or the wider area. The corner plot in which the development is located provides some flexibility for a slightly larger size, scale and bulk; without resulting in demonstrable harm to the existing building or the streetscene. Whilst increased in height from the existing, the proposed western side of the building is positioned slightly lower in order to appear in context with the single storey bungalow which it neighbours. The maximum height of the building measures approximately 6.2 metres, relative to the ridge height of the neighbouring bungalow.
- 4.12 The former application proposed development which was unconvincing and disjointed between ground and first floor which failed to appear cohesive with the character and appearance of the area. An art-deco rounded façade failed to relate with the rest of the building. These features are no longer proposed and the proposed development is considered contemporary and appropriate in its design, with well-proportioned arrangements of fenestration and the clearly commercial frontage of the front elevation facing London Road with space for fascia sign and its full-height glazing. Whilst the eastern elevation proposes a large amount of brickwork, the use of decorative cladding would break-up the brickwork and provide interest at the first floor. Furthermore, the recessed front entrance for the ground floor flat is considered to result in an active frontage which provides depth and interest to the building as well as defensible space from users of the highway.
- 4.13 It is considered that the secure and covered cycle and refuge storage areas at the rear of the building provide an acceptable solution which does result in a dominant presence of bins within the façade of the building and is in compliance with paragraph 181 of the Design and Townscape Guide which states that whilst storage of bins should be accessible within reasonable carrying distance from the highway, they should not appear to dominate frontages.
- 4.14 With regard to materials, the use of red brickwork and some white render for the external walls is considered acceptable and utilises materials observed nearby. The 'Rockpanel' grey/slate coloured cladding is also not objected to and as stated above provides interest to the east side elevation. Grey window frames are proposed which are also considered acceptable in this location and contribute to the contemporary appearance of the building.

- 4.15 Overall the proposed development, on balance, is considered be appropriately scaled for this location, of an appropriate design and would result in a positive addition to the streetscene. In light of this, the proposed development satisfies the policies detailed above.

Living Conditions for Future Occupiers / Amenity Space

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide, National Technical Housing Standards.

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

- Minimum property size 1 bedroom (1 person) 37sqm-39sqm, 1 bedroom (2 persons) 50sqm, 2 bedroom (3 persons) 61sqm and 2 bedrooms (4 persons) 70sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m²; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

- 4.17 Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards;

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- 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.
- 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.

4.18 The internal floorspace of each flat are as follows:

Ground floor:

1 x 1 bedroom, 2 person unit: 51.1m²;

First floor:

1 x 1 bedroom, 2 person unit: 51.6m²;

1 x 1 bedroom, 2 person unit: 50.2m²

4.19 The sizes of the bedrooms serving the flats are in excess of 11.5sqm. Considering the compliance with the standards, it is considered that the bedrooms proposed could accommodate 2 persons per one bed flat. The floorspace of the proposed flats are just over the 50m² national standards and all gain a good level of natural light and outlook from openings to all elevations and it is therefore considered that the level of accommodation would not be to the detriment of the living standards of the future occupiers. This is in compliance with National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 and the National Technical Housing Standards and advice contained within the Design and Townscape Guide.

4.20 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. The ground floor flat is considered to accord with the provisions of these standards with a step-free access to, from and within the ground floor dwelling. A wide range of people including older and disabled proposed and wheelchair users would be able to use the accommodation and its sanitary facilities and as fixtures and fittings would be reasonable accessible to people who have reduced reach.

4.21 One of the core planning principles of the NPPF is that the planning system should *“Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.

4.22 The required amount of amenity space for a development will be determined on a site by site basis taking into account local parks and the constraints of the site. Developments that provide little or no private amenity space will only be acceptable in exceptional circumstances and will be required to justify their reasons.

A rear external amenity space amounting to 15.2m² is proposed at the rear of the site serving the ground floor flat. Furthermore, the proposed first floor flats would each benefit from small balconies which would provide a small sitting-out area. Due to the good standard of internal accommodation, the ground floor terrace and the balconies for the first floor flats, it is considered that the development represents acceptable private amenity spaces for the benefit of future occupiers; especially considering the flats are one bedroom and are suitable for one or two persons only i.e. not family units.

- 4.23 For the reasons above it is considered that the proposed development would not result in overdevelopment of the site and would result in a good standard of accommodation in compliance with the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009).

Impact on Neighbouring Properties

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Development Management (2015) Policies DM1, DM3 and DM8 and Design and Townscape Guide (2009).

- 4.24 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.
- 4.25 Due to the sympathetic increase of height of the proposed development located immediately adjacent to the neighbouring property of no.1055 London Road and its similarity to the current situation on site i.e. built form located against the boundary, it is considered that the development would not result in an obtrusive or overbearing form of development which causes an unacceptable sense of enclosure to the detriment of amenities enjoyed by existing residential occupiers. Whilst occupiers of no.1055 would experience some loss of light as a result of the proposed development, it is not considered to result in demonstrable harm to the amenities of the occupiers.
- 4.26 There are no openings proposed to the western side elevation of the development which could result in a material loss of privacy to the side windows at the eastern side of no.1055 London Road.
- 4.27 It is considered that the proposed development would therefore not result in unacceptable loss of privacy, light or overlooking, undue overbearing dominance, sense of enclosure or loss of outlook to the amenities of residential occupiers to the residential dwellings to the north of the site within Recreation Avenue or any other neighbouring property due to the overall separation distances and orientation of buildings.

Traffic and Transportation issues

National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009)

- 4.28 Policy DM15 of the Development Management Document states: *“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.*
- 4.29 The existing retail unit which was in use for car sales measures 60m² and requires a maximum of 5 off-street parking spaces, as per the adopted Vehicle Parking Standards (1 space per 14m²). Currently, areas of hardstanding providing off-street parking spaces for approximately three cars are provided at the rear of the site. Previously, cars for sale were on display at the front and rear of the site. The adopted Vehicle Parking Standards state that at least one space should be provided for the proposed dwellings; amounting to 3 off-street parking spaces. A maximum of four spaces are required for the proposed retail unit; resulting in a maximum requirement of seven off-street parking spaces for the proposed development.
- 4.30 No off-street parking is proposed for the retail unit or the flats. Whilst this would result in shortfall of the parking standards, consideration is given to the location of the application site which is well-served by sustainable transport options which do not rely of the use of a private motor car. In particular, the proposed units could not be occupied by families and in consideration of availability of local services and facilities within walking distance of the site, the previous use of the site, good public transport options and the benefit of providing sustainable development, it is considered that on balance, the provision of no on-site parking is acceptable. For these reasons the development is unlikely to cause additional on street parking to the detriment highway safety and the local highway network. Furthermore, the Council’s Highways Engineer does not objected to the lack of off-street parking.
- 4.31 The previous application was refused due to the vehicular access conflicting with an existing street tree. This tree is to remain and the rear vehicular access to the site will no longer be used, therefore ensuring the street tree will not be removed or damaged.

Sustainable Construction

National Planning Policy Framework; Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the Design and Townscape Guide (2009).

- 4.32 Policy KP2 of the Core Strategy states: *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide”.*
- 4.33 Policy DM2 of the Development Management Document is clear that there is an identified need for increased water efficiency measures to be integrated into new developments to take account of the water resourcing issues identified in Essex. On a national level, the NPPF states that in order to support a low carbon future, Local Planning Authorities should set sustainability standards in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.
- 4.34 The provision of renewable energy resources and water efficient design measures should be considered at the earliest opportunity to ensure an intrinsic design. No details have been provided alongside the application. However, it is considered that an appropriate condition in relation to the submission of details and features could be imposed to any positive decision.

Community Infrastructure Levy (CIL) CIL Charging Schedule 2015

- 4.35 The application is for creation of new dwellings. 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 CIL chargeable rate for residential units in this location is £20 per square metre and this equates to a CIL charge of £3,120.00 (approximately).

Conclusion

- 4.36 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. The proposal would not result in any adverse impact on parking provision or highways safety and it provides suitable condition for its future occupiers. This application is therefore recommended for approval, subject to conditions.

5 Planning Policy Summary

5.1 National Planning Policy Framework 2012

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and effective use of land), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

5.4 The Design & Townscape Guide 2009

5.5 Technical Housing Standards – Nationally Described Space Standard (2015)

5.6 Community Infrastructure Levy Charging Schedule (2015)

6 Representation Summary

Public Consultation

6.1 11 neighbours were notified and a site notice was displayed. No letters of representation have been received.

Leigh Town Council

6.2 No response received.

Highways & Transportation

6.3 No objection to zero parking provision due to the sustainable location of the site with regard to public transport which has good links in close proximity.

Environmental Health

6.7 Finds acceptable subject to the use of conditions

8 Relevant Planning History

8.1 17/01271/FUL – Demolish existing commercial building and erect part 1/part 2 storey mixed use building comprising of ground floor retail unit (Class A1) and 3 self-contained flats (Class C3) – Refused.

9 Recommendation

9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

1 The development hereby permitted shall begin no later than three years from the date of this decision.

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2000.EX.01, 2000.EX.02, 2000.P.11A, 2000.P.12, 2000.P.13A, 2000.P.14, 2000.P.15A, 2000.P.16, 2000.P.17A, 2000.BP.01, 2000.LP.01

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

3 Except for demolition, no development 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 and fenestration have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before it is accepted.

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), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and Design and Townscape Guide (2009).

4 With the exception of the front and rear balconies hereby permitted as shown on drawing no's 2000.P.12, 2000.P.14, 2000.P.15A, 2000.P.16, 2000.P.17A, the roof of the rear single storey projection shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

5 Secure, covered cycle parking and refuse and recycling storage areas to serve the development shall be provided in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development and these facilities shall be permanently retained as such thereafter.

Reason: To ensure that adequate cycle parking and waste storage is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Document (2015).

- 6 Demolition and/or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.**

Reason: In order to protect the amenities of surrounding occupiers and to protect the character 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).

- 7 Other than the demolition, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.**

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 before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any 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 and these shall be fully implemented before the site is occupied.

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).

- 8 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority. The agreed measures shall be permanently retained thereafter.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2 and CP4, and the Design and Townscape Guide.

- 9 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the dwellings hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed building. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

Reason: To safeguard character and appearance of surrounding area and the amenities of neighbouring occupiers 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.

- 10 The development hereby approved shall be carried out in a manner to ensure the ground floor dwelling complies fully with Building Regulation M4 (2) 'Accessible and Adaptable Dwellings Standard'.**

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, Core Strategy (2007), Policy KP2, Development Management Document (2015) policy DM2 and the Design and Townscape Guide (2009).

- 11 Prior to occupation of the development hereby approved, 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force, the ground floor retail unit hereby permitted shall not benefit from a change use to any other use without the receipt of express planning permission from the local planning authority.

Reason: To determine the scope of the development hereby approved in the interests of protecting the amenity of occupiers of neighbouring properties, general environmental quality and in the interests of visual amenity, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

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

INFORMATIVES

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.

You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

- 1 Please note that advertisements i.e. fascia signage for the commercial unit will require separate advertisement consent. Details can be found at https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs

- 2 **The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. In addition, any asbestos containing material (ACM) must be removed and disposed off-site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing. Contact Environmental Health 01702 215005 for more information**