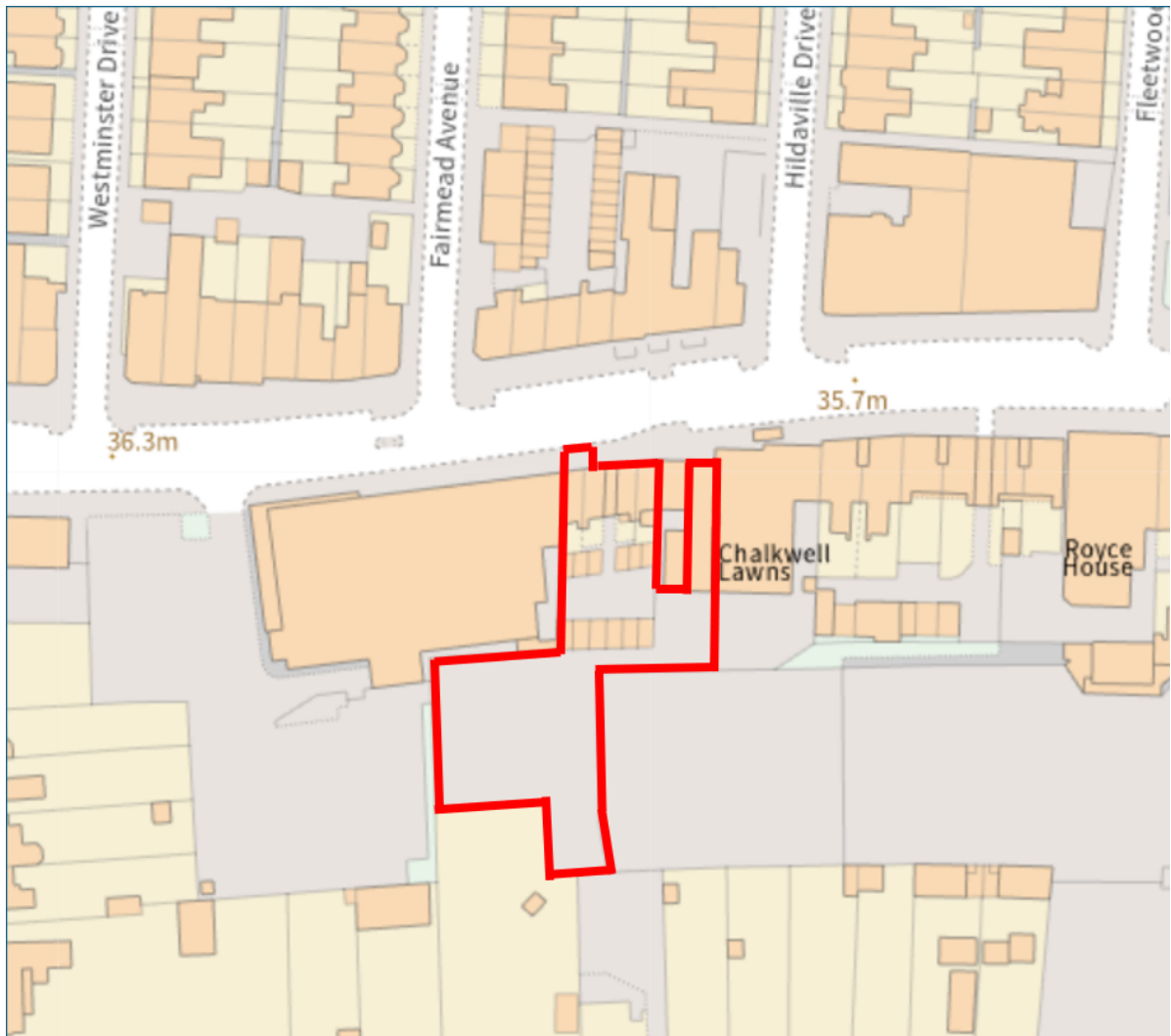


Reference:	23/01751/FULM	
Application Type:	Full Application	
Ward:	Chalkwell	
Proposal:	Demolish existing buildings at 658-664 London Road, erect a five-storey block comprising of 14 self-contained flats and commercial space at ground floor level and a four-storey block comprising of 11 self-contained flats with associated parking, landscaping and refuse/cycle stores	
Address:	658 - 664 London Road, Westcliff-on-Sea, Essex, SS0 9HQ	
Applicant:	Raymond Dove of Dove Jeffrey Homes	
Agent:	Ms Maddie Wild of Sphere25	
Consultation Expiry:	09.05.2024	
Expiry Date:	28.06.2024	
Case Officer:	Oliver Hart	
Plan Nos:	PL001 Rev C; PL003 Rev C; PL10 Rev C; PL11 Rev C; PL003 Rev C; PL10 Rev C; PL11 Rev C; PL12 Rev C; PL31 Rev C; PL32 Rev C; PL33 Rev C; PL34 Rev C; PL35 Rev C; PL100 Rev C; PL101 Rev C; PL102 Rev C; PL103 Rev C; PL104 Rev C; PL105 Rev C; PL110 Rev C; PL111 Rev C; PL112 Rev C; PL113 Rev C; PL114 Rev C; PL201; PL300; PL301; PL500; PL501; PL502; PL503; PL601; PL701 Rev C; C3071-01 Rev A; C3071-02 Rev A; 10366-D-AIA	
Supporting Documents:	Planning Statement [dated November 2023]; Design & Access Statement [dated 02.03.2024]; Computer Generated Images PL801C; PL802C; PL803C; PL804C; PL805C; PL806C; PL807C Affordable Housing Viability Assessment Report by Adams Integra; Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan by Haydens Arboricultural Consultants [dated 26/08/2023]; Air Quality Statement by Anderson Acoustics Ref. 6818_002R_2-0_AG [dated 14/09/2023]; Planning Noise Assessment by Anderson Acoustics Ref. 6728_001R_2-0_JE [dated 30.08.2023]; Statement of Community Involvement by Community Conversations [dated October 2023]; Energy and Sustainability Statement (including Appendices A & B) by The PES [dated 24.08.2023]; Preliminary Ecological Appraisal by Skilled Ecology Consultancy Ltd. [dated 29.08.2023];	

	<p>Flood Risk Assessment and Drainage Strategy Report by Nimbus Engineering Consultants Ref. C3071-R1-REV-B [dated 11.09.2023];</p> <p>Daylight and Sunlight Assessment (Issue 02) by T16 Design Ltd. Ref. 5092 [dated 16.08.2023];</p> <p>Chalkwell Lawns Phase 1 Preliminary Risk Assessment (Rev P02) parts 1 & 2 by Curtins [dated 29.08.2023];</p> <p>Construction Logistics Plan by Markides Associates Ref. 001 Rev A [dated 03.08.2023];</p> <p>Transport Statement by Markides Associates Ref. TS01 Rev B [dated 31.08.2023]</p>
<p>Recommendation:</p>	<p>DELEGATE to the Executive Director for Environment and Place, Director of Planning and Economy or Service Manager - Development Control to GRANT PLANNING PERMISSION subject to CONDITIONS following the completion of a LEGAL AGREEMENT under Section 106 of the Town and Country Planning Act 1990 (as amended)</p>



1 Site and Surroundings

- 1.1 The application site is occupied by a mid-terrace, two-storey building with rooms in the roof on the southern side of London Road, comprising commercial uses at ground floor and residential above. To the rear of the building is a garage court accessed from an undercroft at the middle part of the building. The rear part of the site is currently used as open parking with access from Chalkwell Lawns, the adjoining 4-storey office building to the east, which is within the same ownership as the application site. Chalkwell Lawns is outside the red lined planning application site but is subject of a prior approval (Ref. 21/01470/PA3COU) to convert the first, second and third floors of that building to 24 flats.
- 1.2 The surrounding area comprises long terraces of predominantly three- and four-storey mixed-use blocks with predominantly commercial uses at ground floor. Upper floors are a mix of office and residential uses.
- 1.3 To the west, the site is bounded by an Aldi supermarket and associated car parking/delivery areas. To the south and east, the site is bounded by tennis courts and to the south are larger detached dwellings and St Martins Care Home, in use as a residential institution and Osbourne House, a block of flats along Imperial Avenue.
- 1.4 The application site is not within a conservation area and is not subject to any site-specific planning policy designations. The site is within Flood Zone 1, the lowest probability zone.

2 The Proposal

- 2.1 Planning permission is sought to demolish the building at Nos. 658-662 London Road and to erect a residential-led mixed use development including two separate buildings. One block would be an infill mixed-use development between Chalkwell Lawns to the east and the Aldi building to the west. The other building would be a wholly residential development within the rear car park.
- 2.2 The infill building would have a stepped design, with a scale varying from a maximum of five storeys next to Chalkwell Lawns to four storeys next to the Aldi building. It would be of flat-roofed form with an additional roof projection set back from the main front elevation. The ground floor would have 57.53sqm of commercial floor space with four floors of residential above comprising 14 flats.
- 2.3 The rearward building would be a part-three/part-four-storey block comprising 11 flats with a part stilt design to enable parking beneath it. In total, 25 flats would be delivered across the development site comprising 13x 1bed 2-person units, 4x 2bed 3-person units, 6x 2bed 4-person units and 2x 3bed 4-person units.
- 2.4 Each flat would have access to their own private amenity space in the form of either a balcony or terrace area. Cycle and refuse storage is shown within the ground floors of each of the blocks. No waste arrangements have been provided for the new commercial unit.
- 2.5 34 unallocated parking spaces would be available within the rear parking area. These spaces would be shared between the proposed development, as well as the 24 flats approved under prior approval (Ref. 21/01470/PA3COU) at Chalkwell Lawns. Separately, a further 11 spaces would be retained to serve the remaining office space within Chalkwell Lawns. Vehicular access to the car park area would be via the existing undercroft at the Chalkwell Lawns site. An additional vehicle crossover is also proposed to be installed from London Road (to the western flank boundary) to enable a separate vehicular access from London Road through to

the rear of the site for use by emergency vehicles.

- 2.6 Level access between floors would be provided by a lift. Submitted plans also show that three units would comply with Building Regulation Part M4(3) requirements (wheelchair user dwellings), including provision of Disability Discrimination Act (DDA) compliant parking spaces within the available parking area.

3 Relevant Planning History

- 3.1 The planning history of the application site and the adjoining Chalkwell Lawns which is most relevant for the determination of this application is listed on the table below:

Table 1: Relevant planning history.

Reference number	Description	Outcome
15/01591/FUL	Demolish existing buildings at 658-664 London Road, erect four-storey block with retail use at ground floor and nine self-contained flats at first, second and third floors with associated parking and refuse/cycle stores	Granted. Permission expired.
22/02347/PREAPF	Demolish existing buildings at 658-664 London Road, erect two blocks of five and three storeys with retail use at ground floor facing London Road to provide 26 self-contained flats on upper floors with associated parking, landscaping, and refuse/cycle stores	Issued
Chalkwell Lawns		
21/01470/PA3COU	Change of use of first, second and third floors from Offices (class B1a) to 24 self-contained flats (Prior Approval)	Granted 10.09.2021
22/00687/BUDDCB	Erect two storey upwards extension to existing four-storey building to provide 16 self-contained flats (Prior Approval)	Refused

4 Representation Summary

Public Consultation

- 4.1 Ninety-nine (99) neighbouring properties were consulted by letter, a site notice was displayed and a press notice was published. Two letters of representation have been received. One representation in objection, and one representation in support of the scheme has been received. Summary of objecting comments:

- Parking concerns;
- Road traffic impact concerns on London Road;
- Development out of character;
- Development represents overdevelopment;
- Development needs adequate waste and cycle storage;
- Lack of amenity space.

Summary of supporting comments:

- Current site in poor condition;
- The proposed development looks to be of high quality;
- Would deliver much needed homes.

[Officer Comment: *The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but were not found to justify refusing planning permission in the circumstances of this case.*]

Highways

- 4.2 No objection – The applicant has provided a detailed and robust transport statement to support the application. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity which the applicant has also demonstrated within the statement. It is not considered that the proposal will have a detrimental impact on the surrounding highway network.

Environmental Health

- 4.3 No objections subject to conditions requiring submission of land contamination information, demolition and construction management plan details, refuse and recycling details, external illumination, implementation of noise mitigation measures and measures to control plant equipment in association with the proposed commercial unit.

Design & Conservation Officer

- 4.4 No objections. The design of this proposal is acceptable subject to the agreement of materials, key detailing and landscaping which can be dealt with via condition. Summary of comments:
- The scale, height and form is acceptable in the mixed context of London Road.
 - The stepped arrangement helps to break massing and the vertical breaks aligning with the columns splits the development into 3 sections referencing the traditional grain of the area and providing order and balance to the frontage.
 - The full height fenestration is appropriately scaled for the frontage and the brick detailing adds much needed articulation to the frontage and is welcomed. Detailing of these features should be conditioned.
 - The simple form and change in material for the top floor add a further break to the form and this is appropriate.
 - At ground level the suggested changes have been taken on board and this is positive and has improved the cohesiveness of the development and relationship with the street.
 - The proposed red multi brick will provide a positive reference to the red brick in the streetscene but will also be distinct from the neighbour which is appropriate given that the styles of development are contrasting. The use of multi tones will also add another layer of texture and interest to the design and is appropriate for this style of architecture.
 - The pedestrian entrance through the gate should be well landscaped with a good quality gate to ensure it is welcoming and provides a positive response to the street.
 - Stepping down of the rear block is appropriate and will give appropriate hierarchy to the site and area.
 - The jettied arrangement sits well with the overall proportions of the building in this instance.

- This building is viewed from the neighbouring car park and tennis club so it is pleasing to see it well articulated on all sides and the brick detailing continued including for the staircase enclosure and this works well.
- The landscaping in this area, including trees will soften the development and is appropriate for this location which will form the outlook for many residents both on and off the site.
- The green roofs will provide added biodiversity and are welcomed.
- Overall, the design of this proposal is acceptable subject to the agreement of materials, key detailing and landscaping.

Lead Local Flood Authority (LLFA)

4.5 No objections subject to submission of additional information at condition stage.

Anglian Water

4.6 No objections subject to a condition requiring submission of a surface water management strategy.

Parks

4.7 No objections subject to a condition requiring implementation of the recommendations contained within the ecology report.

Tree Officer

4.8 No objections subject to a condition requiring a site-specific Arb method statement and tree protection plan to be submitted and approved.

Education

4.9 Financial contribution of £19,780.30 is required towards secondary education locally.

Strategic Highways

4.10 No objections. A Travel Plan and Travel Packs should be included within the legal agreement

Strategic Housing

4.11 Policy Compliant 20% Affordable Housing is required which would equate to 5 units; 2x 1-bedroom; 2x 2-bedroom & 1x 3-bedroom

5 Procedural matters

5.1 The application has been called into Development Control Committee (DCC) by Councillor Folkard.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (PPG) (2024)

6.3 National Design Guide (NDG) (2021)

- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (Seafront) DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Technical Housing Standards Policy Transition Statement (2015)
- 6.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.12 Guide to Section 106 & Developer Contributions (2015)
- 6.13 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 6.14 Town and Country Planning Act 1990: Section 90A, Schedule 7A (Biodiversity Net Gain)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area, impacts on neighbours' residential amenity, living conditions of future occupiers, traffic and transportation matters, flood risk and drainage, sustainability, ecology, RAMS, CIL and developer contributions.

8 Appraisal

Principle of Development

Loss of Employment and Provision of Housing

- 8.1 Paragraph 125 of the NPPF states that: *Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: ... (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.* As noted above, the site is not specifically allocated in the development plan.

- 8.2 The NPPF encourages effective use of land, in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 8.3 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the city. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the city. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties, a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 8.4 Policies CP1 of the Core Strategy and DM11 of the Development Management Document seek to resist planning permission for proposals which would involve the loss of existing employment uses. Policy CP1 of the Core Strategy goes on to state that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 8.5 For the proposed provision of housing here, of which two would be family sized flats (3-bedroom units), the HDT and 5YHLS weigh in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.
- 8.6 The proposal seeks a mixed-use development comprising a commercial unit to part of the ground floor with residential development to the other part of the ground floor and to the upper levels.
- 8.7 The extent of commercial space at the site will change from some 286sqm to 57.53sqm and represents a reduction in the overall commercial floorspace available at the site. The site is in a mixed-use area and has no policy designations controlling uses either in terms of employment or retail. It does not constitute a primary or a secondary shopping frontage or an employment site. Therefore, a mixed-use development is compatible with the local policy context and the character of the area. The tilted balance in favour of sustainable development for housing is also applicable due to the housing needs of the city. The change of use of the site to a housing-led mixed-use development is therefore considered to be acceptable and the proposal is policy compliant in this regard.

Dwelling mix

- 8.8 Policy DM7 of the Development Management Document seeks that residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the City's housing need and housing demand. The Council seeks to promote a mix of dwelling types and sizes as detailed below. The dwelling mix indicated by Policy DM7 compared to the proposal is shown in **Table 2** below.

Table 2: Proposed and preferred policy dwelling mix by number of bedrooms.

Type of unit	Number	Percentage	Policy
One-bedroom flat	13	52%	18%
Two-bedroom flat	10	40%	30%
Three-bedroom flat	2	8%	35%
Four-bedroom flat	0	0%	17%
Total	25	100%	20%

8.9 Whilst Policy DM7's preferred mix needs to be considered, it is also the case that, since the adoption of Policy DM7, a significant need for all types and sizes of dwellings within the City has been robustly evidenced. This is a factor that must be given due weight in the assessment.

8.10 The units proposed incorporate a mix of dwelling sizes, including three-bed units capable of family occupation. It is considered that the dwelling mix would accord reasonably to the higher density context of the site's surroundings and the more compact nature of the site. It would not unreasonably affect the character of the area in terms of flat sizes. The proposal would make a meaningful contribution to meeting the housing needs of the city and is considered to be acceptable and policy compliant in the above regards.

Affordable Housing

8.11 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10 – 49 dwellings which should be split 60:40 between affordable rented and shared ownership units. Were it to apply here, a policy compliant provision would be 5 dwellings, comprising 3 affordable rented units and 2 shared ownership units.

8.12 The financial viability assessment (VA) submitted with the application concludes that a contribution to affordable housing is unviable in this case. The Council has had this document independently reviewed by Dixon-Searle which verifies that the scheme can generate a surplus of some £73,601 after allowing a developer profit share of 17.5% GDV (Gross Development Value) on the market housing and 15% GDV on the commercial unit. This would be provided as a financial contribution in lieu of on-site provision.

8.13 In this instance, owing to the limited extent of the surplus generated by the proposal, on-site provision of affordable housing is not possible. Staff support the proposition of accepting the offer of a financial contribution of £73,601 in lieu of providing affordable housing units on-site.

8.14 It has also been agreed with the developer to include a late-stage viability review mechanism in the S106 legal agreement on the basis of the London Plan formula. This will ensure that the actual construction costs and achieved sale values will be considered to determine whether the viability position of the development has changed and therefore whether an additional contribution can then be made towards affordable housing. If found to be viable at that later stage, 60% of any surplus would be paid to the Council as the affordable housing contribution for the scheme up to a cap figure calculated (some £391,699.09) in accordance with the Council's interim affordable housing policy.

Infill and Backland Development

- 8.15 The proposed development would represent both 'infill' and 'backland' development. The acceptability of the proposal is dependent on the detail of how the development would relate to its surroundings and needs to satisfy Policy DM3 of the Development Management Document which deals with infill and backland development.
- 8.16 Policy DM3 states: "All development on land that constitutes back-land and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:
- i. Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or
 - ii. Conflict with the character and grain of the local area; or
 - iii. Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or
 - iv. Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."
- 8.17 The surrounding area is mixed in character comprising both residential and commercial type development and regard is had to the position of the application site in a broadly sustainable location for development which conforms to the prevailing land use around it. The development would add to the supply of dwellings in the city. As discussed in more detail below, the proposal would accord with the above criteria.

Conclusion on principle of development

- 8.18 In the round, the principle of providing this residential led mixed use development on this site is considered acceptable and to represent a positive development of brownfield land.

Design and Impact on the Character of the Area

- 8.19 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.20 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 8.21 London Road is a principal route through the city and has a mixed character along its length in terms of heights, forms and designs of neighbouring buildings. On this basis, the proposed stepped design and part-four/part-five-storey scale of the infill development along London Road is considered to be acceptable in this context. The stepped arrangement would help to break the massing of this block. The simple form and change in material for the top floor would add a further break to the form and this is appropriate.
- 8.22 The vertical breaks, aligning with the columns, would split the development into three sections, referencing the traditional grain of the area and providing a sense of order and balance to the frontage. The full height fenestration is appropriately scaled for the frontage and the brick detailing adds articulation to the frontage. The proposed style of brick detailing with glazing behind in places will create light patterning on the frontage at night and this will give the building

a distinctive style. Detailing of these features can be conditioned.

- 8.23 At ground level, the brick detailed fascia and consistent proportions for the openings and shopfront/gate helps to unify the three elements and provides a positive reference with the decoration above and this is positive.
- 8.24 The proposed red multi brick will provide a positive reference to the red brick in the streetscene but will also be distinct from the neighbour which is appropriate given that the styles of development are contrasting. The use of multi tones will also add another layer of texture and interest to the design and is appropriate for this style of architecture.
- 8.25 The separation and 'stepping down' of the rear block in terms of scale is appropriate and provides a hierarchical relationship between the blocks and the surrounding area. Moreover, the limited public views and presence of other backland development of significant size and scale within the immediate vicinity, notably at Chalkwell Lodge to the east of the site is such that backland development in this location would not appear incongruous or out of keeping with the pattern of development in the area.
- 8.26 The partial cantilevered arrangement of the rear block sits well with the overall proportions of the building in this instance. However, it will need to be well lit underneath and a condition requiring external illumination is recommended.
- 8.27 This building is viewed from the neighbouring car park and tennis club, so it is well articulated on all sides and the brick detailing continued, including for the staircase enclosure and this is considered to work well.
- 8.28 The indicative landscaping proposed within the parking forecourt area, including the planting of new trees, will soften the development and is appropriate for this location which will form the outlook for many residents both on and off the site. A condition requiring full soft and hard landscaping details inclusive of a planting schedule and their continued management can be conditioned.
- 8.29 A mature oak tree (T003) located towards the south of the site has been identified within the submitted Arboricultural Impact Assessment (AIA) as requiring protection measures during construction. The arboricultural report recommends that prior to commencement of demolition/construction works, a detailed, site specific Arboricultural method statement and tree protection plan must be submitted and approved. The Council's tree officers have reviewed the document and are confident that the proposed development can be completed without damaging the Oak, provided the appropriate protection measures and methods of working are implemented. Subject to imposition of a suitably worded condition, no objections are raised on this basis.
- 8.30 Neighbouring vegetation is noted to the rear boundary of St Martins Care Home to the immediate south of the site. This vegetation is also proposed to be protected within the same suite of measures as that identified for T003 which, subject to condition, would be acceptable.
- 8.31 Overall, it is considered that the proposal would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area so is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.32 Delivering high quality homes is a key objective of the NPPF and is reflected in policy DM8 of

the Development Management Document. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

8.33 Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.

Space Standards and Quality of Habitable Rooms

8.34 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table.

Table 3: Minimum space standards

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

Table 4: Dimensions for London Road Frontage 'A' Block

Flat No.	Occupancy	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m ²)	Meets the Standards?	
First Floor								
11	2bed person	4-	71.89	13.45m ² ; Wmin=2.75m	11.65m ² Wmin=2.55m	N/A	2	Y
12	3bed person	4-	78.1	11.72m ² ; Wmin=3.3m	8.33m ² ; Wmin=2.15m	11m ² ; Wmin=2.35m	2.5	Y
13	1bed person	2-	50.1	13m ² ; Wmin=2.8m	N/A	N/A	1.7	Y
14	1bed person	2-	51	12.3m ² ; Wmin=2.8m	N/A	N/A	1.5	Y
Second Floor								
21	2bed person	4-	73.45	12.55m ² ; Wmin=3m	12.3m ² ; Wmin=2.8m	N/A	2.3	Y
22	3bed person	4-	78.2	12.4m ² ; Wmin=2.75m	10.1m ² ; Wmin=2.3m	11.1m ² ; Wmin=2.3m	2.7	Y
23	1bed person	2-	50	12.9m ² ; Wmin=3.15m	N/A	N/A	3	Y
24	1bed person	2-	51.4	13.3m ² ; Wmin=2.9m	N/A	N/A	2	Y

Third Floor								
31	2bed person	4-	72.02	13.9m ² ; Wmin=2.85m	11.6m ² ; Wmin=2.55m	N/A	2	Y
32	1bed person	2-	50.1	11.5m ² ; Wmin=2.8m	N/A	N/A	2	Y
33	1bed person	2-	50.24	12.9m ² ; Wmin=2.8m	N/A	N/A	1.65	Y
34	1bed person	2-	51.24	12.4m ² ; Wmin=2.8m	N/A	N/A	1.5	Y
Fourth Floor								
41	2bed person	4-	61.1	12.6m ² ; Wmin=3.4m	9.1m ² ; Wmin=2.2m	N/A	2.15	Y
42	2bed person	3-	70.15	12.9m ² ; Wmin=2.8m	11.6m ² ; Wmin=2.55m	N/A	2.2	Y

Table 5: Dimensions for Rear Building 'B' Block

Flat No.	Occupancy	Area (m²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m²)	Meets the Standards?	
First Floor								
51	2bed person	3-	72.55	13.8m ² ; Wmin=3.4m	8.3m ² Wmin=2.4m	N/A	2.5	Y
22	1bed person	2-	50.29	11.6m ² ; Wmin=3m	N/A	N/A	2	Y
53	1bed person	2-	50.29	11.6m ² ; Wmin=3m	N/A	N/A	2	Y
54	1bed person	2-	63.15	14.4m ² ; Wmin=3.8m	N/A	N/A	2.3	Y
Second Floor								
61	2bed person	3-	72.55	13.8m ² ; Wmin=3.4m	8.3m ² Wmin=2.4m	N/A	2.5	Y
62	1bed person	2-	50.29	11.6m ² ; Wmin=3m	N/A	N/A	2	Y
63	1bed person	2-	50.29	11.6m ² ; Wmin=3m	N/A	N/A	2	Y
64	2bed person	3-	62.43	11.5m ² ; Wmin=2.75m	9m ² ; Wmin=2.15m	N/A	2.3	Y
Third Floor								
71	2bed person	3-	62.35	11.7m ² ; Wmin=3m	9.2m ² ; Wmin=2.15m	N/A	2.3	Y
72	1bed person	2-	50.05	13.4m ² ; Wmin=3.4m	N/A	N/A	1.5	Y
73	2bed person	3-	61.24	12.8m ² ; Wmin=2.8m	9m ² ; Wmin=2.15m	N/A	2.1	Y

8.35 The Accommodation schedule contained above demonstrates that all proposed units would either at least meet or exceed the required space standards, and this is a positive feature of the scheme. A daylight and sunlight assessment has also been submitted which concludes that all habitable rooms would have satisfactory levels of daylight, and no objections are raised

on this basis.

M4(2) and M4(3) – Accessibility

8.36 Policy DM8 as amended by the Technical Housing Standards – Policy Transition Statement requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards and requires 10% of the units (3 units) to meet the Building Regulations M4(3) wheelchair compatible requirements. This includes providing 3 disabled parking spaces and a lift to all flats. The plans show 3 flats (51, 52 & 61) within the rear block will be Building Regulations M4(3) compliant with three accessible parking spaces provided to the rear of the site. The remainder of the flats are Building Regulations M4(2) compliant and compliance with these standards can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

External Amenity Space

8.37 Policy DM8 of the Development Management Document states new dwellings should ‘Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reason for which will need to be fully justified and clearly demonstrated.’

8.38 The submitted plans show that each flat would be served by their own private external amenity space in the form of balconies and terraces with a minimum of 5sqm in area available. The largest amenity areas, measuring some 30sqm, would be reserved for the units at the top floors. The quantum and form of provision is considered acceptable.

Inter-Looking within the development

8.39 The smallest distance between the proposed rear car park block and the London Road block is approx. 17m. The setting out of the two buildings is diagonal and the main aspects of the rear block are oriented away from the front block, towards the south and east with secondary windows facing the Aldi car park to the west. Consequently, the privacy of future occupants is considered to be suitably maintained.

Land Contamination

8.40 The Council’s Environmental Health Officer has reviewed the submitted Phase 1 Preliminary Risk Assessment [parts 1 & 2] by Curtins. The assessment undertaken places the site as being a low to moderate risk in terms of human health and recommends intrusive sampling and a quantitative human health risk assessment based on this.

8.41 The Environmental Health Officer accepts the methodology and findings. An outline scope for the intrusive investigation (both soil and groundwater sampling) is given in section 7.1 and 7.2 of the Phase 1 assessment which is also acceptable. In this respect, the requirement for a Phase 2 assessment can be conditioned.

Noise and Disturbance

8.42 The Council’s Environmental Health Officer has reviewed the Noise Impact Assessment (NIA) by Anderson Acoustics. The methodology and findings of the report are generally accepted. Appropriate noise measurements (both attended and unattended) have been undertaken to

assess the various noise sources in the area. These include road traffic noise, noise from plant and equipment at the adjacent supermarket, car park noise from the supermarket and noise from the tennis courts at the rear/side of the site.

- 8.43 In order to achieve appropriate internal noise levels as given in BS8233:2014, various mitigation measures have been proposed. These include a 2.5m acoustic fence along the supermarket boundary, full height solid balcony balustrades for flats overlooking the supermarket area and glazing specifications (different levels for different zones of the buildings). Consideration has also been given to ventilation and overheating requirements and mechanical ventilation with heat recovery (MVHR) for all flats (with openable windows for purge ventilation). The Environmental Health Officer found the methodology and the findings, inclusive of proposed mitigation measures, to be acceptable.
- 8.44 Noise levels in external amenity areas has also been considered in the NIA as external balconies/terraces are proposed for both buildings. Balconies not overlooking London Road will be compliant with the upper guideline value of 55 dB Laeq,T which is acceptable., Balconies and terraces overlooking London Road will have noise levels in excess of this level. Environmental Health officers raise concern in this regard and require further evaluation of mitigation measures.
- 8.45 However, such a request could bring with it design challenges later on in the process if no workable solution can be found to satisfy these concerns. In considering this matter, it is appropriate for the Council in its role as Local Planning Authority to consider the wider circumstances and attributes of the development as a whole, in which case planning staff have attributed significant weight to the provision of external amenity spaces, particularly within high density urban environments such as this. Consequently, they are considered to be a positive feature of the development. This Local Planning Authority has in similar scenarios supported a compromise between noisier settings and convenience of living in these locations. In summary the external noise related environment for future occupants is considered to be acceptable.
- 8.46 Conditions are also recommended restricting the use of the commercial unit to Class E only and, for details of any plant/equipment to be installed to facilitate use of the commercial unit to be submitted to and approved by the Local Planning Authority prior to installation.
- 8.47 Overall, therefore, subject to the described conditions, the proposal would provide an acceptable standard of accommodation and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 8.48 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.49 The nearest residential properties impacted by the proposal are those that bound the site to the immediate south, namely Osbourne House, a flatted block [at 57 Imperial Avenue] and St Martins Care Home [at 59 Imperial Avenue]. Regard is also had below to the prospective residential units at the adjacent Chalkwell Lawns building approved under prior approval that whilst not yet delivered, remain extant and implementable.

- 8.50 With regards to residents at Osbourne House and St Martins Care Home, both of these neighbouring blocks contain significantly deep rear garden areas between 39m and 46m. The rear block proposed in this instance would retain a further separation to the neighbouring rear boundaries, such that the separation distances would be some 49m and 59m to the rear elevation of the proposed rear block itself. This represents a significant separation which, when considered together with the general openness of the rear garden scene, is such that the development is not considered to appear unduly overbearing or detrimental to outlook. Moreover, when the significant separation is coupled together with the proposed development's orientation north, then the development would not give rise to any loss of light or overshadowing implications to neighbouring habitable accommodation or amenity space.
- 8.51 In weighing up the impact from overlooking, whilst a limited number of balconies and openings are noted close to the shared rear boundary, facing toward the rear garden area serving the residents of St Martins Care Home, significant weight is attributed to the communal nature of that adjoining care home garden and to the presence of a significant number of windows to the rear of the Care Home itself looking out onto the rear garden area. It is therefore reasonably considered that a mutual degree of overlooking for residents exists at present. Whilst only limited weight would be attached to existing landscaping, the longevity of which cannot be guaranteed, due regard is also given to the dense boundary vegetation cover in-situ to the rear of St Martins Care Home which would, in practise, mitigate to some extent the availability of views. Therefore, the presence of a limited number of balconies/windows (serving 3 flats) would not introduce a significantly harmful degree of overlooking, such that the impact in these circumstances is considered acceptable.
- 8.52 When reviewing approved plans submitted for the prospective (and extant) residential units at Chalkwell Lodge, it is noted that no prospective habitable room windows would be present in the flank elevation next to the proposed London Road frontage block. Moreover, no built form would project beyond the rear elevation of the Chalkwell Lawn building, protecting habitable room rear windows. The rear block would be positioned some 30m to the south-west of the site which is a sufficient separation to preclude any harmful amenity impacts on the future residential occupants of the Chalkwell Lawns building in any relevant respects.
- 8.53 The development would introduce additional occupiers to the land. Whilst this would have some impacts in terms of noise and activity the site is within a built-up area and has historically been in a commercial use. On this basis, the in-principle impacts of residential development at the site are considered acceptable with regard to noise and activity in general.
- 8.54 Other residential properties are further away such that no significantly harmful impacts to their occupiers' amenity have been identified. Subject to the described conditions, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any relevant regard. Matters relating to external lighting and construction and demolition management can be reasonably addressed through planning conditions in the interests of residential amenities.
- 8.55 On this basis, the proposal, subject to conditions, is acceptable and compliant in the above regards.

Traffic and Transportation Issues

- 8.56 The NPPF states (paragraph 115) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."

- 8.57 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner." The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Assessed against the parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit.
- 8.58 The commercial unit is proposed to be restricted to Class E (Commercial, Business and Service) use only. The current maximum commercial parking standards, as set out in Appendix 6 of the Development Management Document are determined based on the previous Use Class Order and are different for shops, professional services, restaurants, offices, indoor recreation etc. which are now amalgamated into Use Class E. As such, the maximum parking spaces for the Class E commercial unit proposed would vary from a maximum requirement of 1 space per 5sqm (restaurant use) to 1 space per 30sqm (business use). On that basis of the commercial unit would generate a maximum parking requirement of between 2 to 11 parking spaces. It is important to note that these requirements are expressed as maximum figures.
- 8.59 34 off-street car parking spaces (including 3 accessible spaces) would be provided for residential use as part of the development. The Transport Assessment and Design and Access Statement state that the car parking would be unallocated and shared between the development being considered under this application and the flats approved under prior approval (ref. 21/01470/PA3COU) at the adjacent Chalkwell Lawns building for 24 units. This is possible as both sites are under the same ownership. In total therefore, 49 residential flats would share 34 parking spaces; a ratio of 0.71 space per flat. No off-street parking is proposed for the commercial unit. Separately, 11 parking spaces would be retained for the remaining office use at Chalkwell Lawns.
- 8.60 Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport. To support this difference against the standards, the Transport Assessment includes detailed information relating to the sustainable modes of transport available within the local area, inclusive of multiple bus services along London Road as well as rail links from Chalkwell Station (1.4km south-west of the site and an approximate 15min walk). Existing on street parking restrictions along London Road would limit the ability for parking overspill to occur there and would provide some flexibility for occasional short stay visitor trips to the site. Moreover, the Transport Assessment includes TRICS data to demonstrate that the proposals would not result in a material change in trip generation.
- 8.61 Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport. To support this difference against the standards, the Transport Assessment includes detailed information relating to the sustainable modes of transport available within the local area, inclusive of multiple bus services along London Road as well as rail links from Chalkwell Station (1.4km south-west of the site and an approximate 15min walk). Existing on street parking restrictions along London Road would limit the ability for parking overspill to occur there and would provide some flexibility for occasional short stay visitor trips to the site. Moreover, the Transport Assessment includes TRICS data to demonstrate that the proposals would not result in a material change in trip generation.
- 8.62 Several of the spaces immediately to the rear of the main London Road frontage block fall just short of the 6m manoeuvring aisle width. The turning spaces available for these parking spaces

range from 5.6m to 5.8m. Highways officers have been consulted and raise no objections owing to the limited extent of the deficiency against the standards and the private nature of the parking area, away from public roads, so this arrangement is acceptable. Furthermore, these arrangements are existing and in use, and have no direct impact on highway safety or the traffic network.

- 8.63 An existing vehicular access route from London Road leading through to the rear parking area at the site would be removed as part of the development, with reliance for vehicle access placed on the existing vehicular access via the Chalkwell Lodge building also in the applicants' ownership. This is included in the application red edged land.
- 8.64 It is acknowledged that the existing vehicular access via Chalkwell Lodge may be more frequently in use following completion of the development. In agreement with the Council's Highways team, to mitigate the impact on London Road (A13) and to ensure the free flow of traffic, it is considered pertinent to impose a condition requiring additional signage and a traffic light system at both ends of the undercroft to ensure that vehicles exiting the site via the undercroft give way to vehicles entering the site.
- 8.65 A new shared pedestrian and emergency vehicle access would be provided along the western flank boundary of the proposed development together with a new vehicle crossover some 4.5m in width to facilitate this. Highways officers have raised no objections to this. The redundant vehicle crossover along London Road will need to be returned back to footway and a suitably worded condition can deal with this.
- 8.66 25 cycle parking spaces would also be provided, one for each flat. This is a policy compliant level of residential provision. An internal cycle store is also proposed for the commercial unit with capacity for a minimum of 2 bicycles. This is also policy compliant.
- 8.67 Highways, having reviewed the submitted Transport Assessment raise no objection to the proposed development on parking, traffic or highway safety grounds subject to provision of a Travel Plan and Travel Information packs which have been included within the proposed heads of terms for a Planning Obligation.
- 8.68 In line with the Council's adopted Electric Vehicle (EV) charging schedule for new dwellings, a condition is recommended requiring all of the car parking spaces to be fitted with EV charging points.
- 8.69 No information has been provided in relation to the servicing of the commercial unit. As such, a condition is recommended to require details for service and delivery to be submitted to and agreed by the Local Planning Authority.
- 8.70 Overall, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The proposal is acceptable and policy compliant in the above regards.

Waste and Recycling Storage

- 8.71 Each block would be served by its own ground floor residential waste store. The front block would comprise 5x 1100L Eurobins. The rear block 4x 1100L Eurobins. The form and quantum of provision would meet the requirements outlined within the Waste Management Document for a development of this size.
- 8.72 With regard to collection and servicing, the Transport Assessment states that this will be taken from London Road. For the front block, refuse crews will be afforded access to the undercroft

to access the waste store. For the rear block, a management strategy will be required to be implemented which will see the bins transferred from the dedicated waste store to the undercroft on collection day and returned thereafter. On this basis, residents will not therefore have to travel more than 30m to access the waste stores.

- 8.73 A separate waste store comprising general waste and recycling bins for the commercial units is shown. The form and capacity of the provision is considered to be acceptable.
- 8.74 Subject to a condition requiring submission of such a management plan, the proposal is acceptable and policy compliant in the above regards.

Energy and Water Sustainability

- 8.75 Policy KP2 of the Core Strategy requires that “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). Policy DM2 of the Development Management Document states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions. [...] All new development that creates additional residential and/or commercial units, should be energy and resource efficient by incorporating [...] requirements” such as “Water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting”.
- 8.76 The applicant has submitted an Energy and Sustainability Statement (by PES) which identifies the installation of a combination of Air Source Heat Pumps to deliver the heating and hot water demands to the new dwellings, as well as a roof mounted 33 panel PV array (a total 14.52kWp) generating some 14,000kWh/annum. Together, the total renewable contribution represents 50.4% of the estimated annual energy usage requirements for the development. Details are also contained within the Statement of measures to limit water consumption to less than 110lpd. This meets policy requirements, and a condition will be imposed for the development to be carried out in accordance with the energy and sustainability measures contained within the submitted Energy and Sustainability Statement by The PES.
- 8.77 This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Flood Risk and Drainage

- 8.78 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 8.79 The site is within Flood Zone 1, the lowest risk zone, so is sequentially preferable for residential development. A Flood Risk Assessment and Drainage Strategy Report by Nimbus Engineering Consultants has been submitted with the application which has been deemed sufficient by the Lead Local Flood Authority (LLFA) for this stage of the development process. Additional information is required and requirements for these details to be submitted and agreed can be conditioned.

Ecology and Biodiversity Net Gain

- 8.80 Policy KP2 of the Core Strategy states that all new development must ‘respect, conserve and

enhance and where necessary adequately mitigate effects on the natural and historic environment, including the city's biodiversity and green space resources; ensure that European and international sites for nature conservation are not adversely affected and contribute positively towards the 'Green Grid' in Southend.'

- 8.81 Policy CP4 of the Core Strategy seeks to contribute to the creation of high quality, sustainable urban environments by 'safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance.'
- 8.82 A Preliminary Ecological Assessment has been carried out at the site. This has concluded that the site has little ecological value and that the proposed landscaping on the site is likely to result in a net gain in biodiversity.
- 8.83 Although there is no evidence of bats or birds, the report makes a number of recommendations to enhance biodiversity on the site through the incorporation of bat and bird boxes. These can be the built-in type which are subtle and can be accommodated away from the main street facing elevations so will not have any impact on the overall appearance of the proposal. The design and location of the bat and bird boxes can be secured via condition. The Council's Parks team have raised no objection to the findings of the assessment.

Biodiversity Net Gain

- 8.84 This application is exempt from Biodiversity Net Gain requirements as it was made prior to introduction of relevant BNG legislation.
- 8.85 Overall, therefore and subject to conditions, the proposal is considered to be acceptable and policy compliant in terms of its impact on ecology in all relevant regards.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 8.86 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment has been made. The proposal is therefore considered to be acceptable and policy compliant in this regard.
- 8.87 Overall, it is considered that the proposal is acceptable in terms of biodiversity and ecological impacts and is policy compliant in this regard.

Planning Obligations

- 8.88 Paragraph 57 of the NPPF states that: "*Planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms*
 - b) directly related to the development; and*

c) *fairly and reasonably related in scale and kind to the development.*”

8.89 Paragraph 58 of the NPPF states ‘*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.*’

8.90 The PPG makes it clear that ‘*Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.*’

8.91 Core Strategy Policy KP3 requires that: “*In order to help the delivery of the Plan’s provisions the 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.”*

8.92 The following terms for a planning obligation have been agreed with the applicant:

Table 6: Heads of Terms for agreed planning obligations

	Proposed Head of Term	Details
1	Affordable Housing Contribution	Financial Contribution of £73,601
2	Late-Stage Viability Review Mechanism for a financial contribution in lieu of on-site Affordable Housing Provision	60% of any surplus up to a cap of £391,699.09
3	Education	Secondary education contribution of £19,780.30
3	Highways	Travel Plan and travel plan monitoring fee up to £2,500. Provision of Travel Information Packs to all residents.
4	S106 Monitoring Fee	Up to a maximum £10,000

8.93 The contributions above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks this committee’s

approval subject to entering into and then the completion of this agreement.

Community Infrastructure Levy (CIL)

8.94 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a net internal area of some 1,906.34 sqm of residential and 57.53sqm of commercial floor space which may equate to a CIL charge of approximately £52,843.26 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity

8.95 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report which notes the inclusion of two Building Regulations M4(3) compliant wheelchair accessible units had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation. The provision of accessible and adaptable dwellings is a positive aspect of the proposal in this regard.

Conclusion

8.96 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 representing a positive development of brownfield land. The principle of the development, including use of this land for housing and the housing mix are acceptable. The proposed design and scale of the development would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area. Subject to conditions the proposal would have an acceptable impact on the amenities of neighbours. The proposal would provide an acceptable standard of accommodation for new occupiers. There would be no significant harmful traffic, parking or highways impacts caused the proposed development. The proposal would also have an acceptable impact on sustainability and ecology.

8.97 The proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to the completion of a S106 legal agreement and conditions. Should Members identify any areas of harm including for example any concerns about potential parking impacts should they reach a different conclusion from officers on those individual considerations then this needs to be balanced against the public benefits of the proposal including as identified within the body of the report. This proposal creates new housing, therefore, when assessing any harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning

Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. The proposal has been found to be acceptable in all relevant regards and is therefore recommended for approval, subject to completion of the S106 agreement and subject to conditions.

9 Recommendation

9.1 Members authorise:

a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- **Secondary education contribution of £19,780.30**
- **Affordable Housing Financial Contribution= £73,601**
- **Late-Stage Viability Review Mechanism in regard to Affordable Housing Provision to retrieve 60% of any surplus up to cap of £391,699.09**
- **RAMS contribution – 23 x £156.76 = £3,605.48**
- **Travel Plan and travel plan monitoring fee up to £5,000; Provision of Travel Information Packs to all residents.**
- **Monitoring fee of up to £10,000.**

b) That the Executive Director for Environment and Place, Director of Planning and Economy or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

01 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.

02 The development hereby approved shall be carried out in accordance with the approved plans: PL001 Rev C; PL003 Rev C; PL10 Rev C; PL11 Rev C; PL003 Rev C; PL10 Rev C; PL11 Rev C; PL12 Rev C; PL31 Rev C; PL32 Rev C; PL33 Rev C; PL34 Rev C; PL35 Rev C; PL100 Rev C; PL101 Rev C; PL102 Rev C; PL103 Rev C; PL104 Rev C; PL105 Rev C; PL110 Rev C; PL111 Rev C; PL112 Rev C; PL113 Rev C; PL114 Rev C; PL201; PL300; PL301; PL500; PL501; PL502; PL503; PL601; PL701 Rev C;

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

03 Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development, including but not limited to the exterior walls and associated brick details; roof, including coping; windows and doors; balcony specifications and rainwater goods have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first

occupied or brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.

The approved hard landscaping details shall be implemented in full accordance with the approved details prior to first occupation of the development.

The approved soft landscaping details shall be implemented in full accordance with the approved details within the first planting season following first use of the development hereby approved. The details submitted shall include, but not be limited to:

- i. Existing and proposed finished site levels or contours;
- ii. Details and specifications of all means of enclosure of the site, including front boundary walls and Acoustic boundary fencing for the north and west boundaries of the development site's car park;
- iii. Hard surfacing materials for forecourt and vehicle access, turning and parking areas and the balconies;
- iv. Full details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification;
- vi. Measures to enhance the biodiversity of the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

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

- 05** Prior to first occupation or first use of the development hereby approved, a Landscape Management Plan shall be submitted to the Local Planning Authority containing details for the long-term management of the areas identified for planting. The approved Management Plan must be maintained in perpetuity.

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

- 06** Prior to the first occupation or first use of the development hereby approved, the residential and commercial cycle and bin storage facilities shown on the approved plan 'PL100 Rev C' shall be provided and made available for use by the occupiers of the development. These areas shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that satisfactory cycle and bin storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

- 07** Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 08** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors,
- ii) loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) the erection and maintenance of security hoarding,
- v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction. and
- viii) details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 09** The 34 car parking spaces to be provided in association with the residential use [and shared with the approved flats within Chalkwell Lawns] as shown on approved plan 'PL100 Rev C' shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles of the occupiers and visitors to the approved dwellings and the permitted flats at Chalkwell Lawns.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

- 10 The development hereby approved shall only be built in accordance with the approved renewable energy and water sustainability measures contained within the Energy and Sustainability Statement (including Appendices A & B) by The PES [dated 24.08.2023] or, in accordance with any other renewable energy and water sustainability measures that have been submitted to and approved in writing by the Local Planning Authority. The approved measures must be delivered prior to first occupation of the development and retained as approved at the application site for the lifetime of the development.**

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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

11 A Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of any underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- i. a survey of extent, scale and nature of contamination**
- ii. an assessment of the potential risks to:**
 - Human health,**
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - Adjoining land,**
 - Groundwaters and surface waters,**
 - Ecological systems**
 - Archaeological sites and ancient monuments;**
- iii. an appraisal of remedial options, and proposal of the preferred option(s).**

B. Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended uses by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The

scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation unless and until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority under the terms of this condition. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified the development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

- 12 The development hereby approved shall only be built in accordance with the noise mitigation measures as detailed in the Noise Assessment by Anderson Acoustics Ltd Ref 23-10938 and delivered in full prior to first use.

Prior to first use of the development, a post completion noise survey must be undertaken by a suitably qualified acoustic consultant and a report submitted to,

and approved in writing by, the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report. If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority and installed and tested prior to occupation.

The mitigation measures must be retained in perpetuity thereafter.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 13 Prior to first occupation of the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, as a minimum, the external lighting at the undercroft. The external lighting scheme approved under the provisions of this condition shall be implemented prior to first occupation of the development hereby approved and shall be maintained as approved for the lifetime of the application thereafter. No other external lighting shall be installed on the development or within the parking, undercroft, access or landscaped areas of the development hereby approved unless it is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority pursuant to the provisions of this condition.

All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 14 No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems (SuDS) principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details must have regard to the following:
- a) A construction method statement must be provided outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works;
 - b) An agreement in principle from Anglian Water regarding the surface water connection point and proposed maximum flow rate of 1.924 l/s should be provided;

- c) Confirmation and details of the type of flow control, paragraph 5 states restricted discharge by gravity whereas the table in paragraph 6 refers to discharge rate restricted via pump;
- d) Details of proposals for surface water management in the event of failure of pump/flow control;
- e) Updated drainage plan showing the location of flow control and rainwater harvesting tanks.

The development shall only be implemented in accordance with the approved details which shall be maintained for the lifetime of the development.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

- 15 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that the 3No flats (51, 52 & 61) identified on approved plans 'PL101 Rev C' and 'PL102 Rev C' comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 22No flats comply with building regulation part M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 16 The commercial unit hereby approved shall only be used for purposes falling within Use Class E as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of residential amenities and environmental quality, further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015)

- 17 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed in association with the development hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any necessary noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter for the lifetime of the development.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 18** Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard BS7445:2003, the noise rating level arising from any equipment, plant or activities associated with the ground floor commercial unit hereby approved shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the nearest noise sensitive premises.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 19** Prior to first use or occupation of the commercial unit hereby approved, a delivery and servicing plan shall first have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. Thereafter, the delivery and servicing needs of the commercial unit shall only take place in accordance with the approved details and of for the lifetime of the development.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 20** The recommendations and biodiversity enhancement measures as detailed in the Preliminary Ecological Appraisal by Skilled Ecology Consultancy Ltd. [dated 29.08.2023] shall be implemented in full by competent persons and delivered prior to occupation of the development. The bird and bat boxes shall be installed solely in accordance with details inclusive of their siting and design that have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of biodiversity in accordance with the National Planning Policy Framework (2023) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 21** Other than demolition works of the existing London Road frontage building, no development shall commence unless and until a detailed, site specific Arboricultural method statement and tree protection plan has been submitted to the Local Planning Authority and approved. The development must then be carried out solely in accordance with the approved methodology and tree protection measures.

Reason: This condition is needed to safeguard existing trees on the site and the character and appearance of the surrounding area, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 22** Occupation or first use of the development hereby approved shall not begin unless

and until the reinstatement of the existing vehicle crossover serving the site has been completed and unless and until the new vehicle crossover hereby approved has been provided and made available for use by the occupiers and other users of the development.

Reason: In the interest of pedestrian and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 23 Occupation or first use of the development hereby approved shall not begin unless and until a scheme for either signage and a localised traffic light system at both ends of the undercroft below Chalkwell Lawns ensuring that vehicles exiting the site via the undercroft give way to vehicles entering the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed prior to first occupation of the development hereby approved and shall be maintained as such for the lifetime of the development thereafter.

Reason: In the interest of the free flow of traffic and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- c) In the event that the planning obligation referred to in part (a) above has not been completed before 28 June 2024 or an extension of this time as may be agreed by the Director of Planning and Economy or Service Manager of Development Control, authority is delegated to the Director of Planning and Economy or Service Manager of Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing, secondary education, RAMs, Travel Plan, monitoring of travel plan and provision of Travel Information Packs, and for a Monitoring fee and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

POSITIVE AND PROACTIVE STATEMENT:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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 which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision

notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 3 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution to affordable housing in lieu of on-site provision, a financial contribution in relation to education, a financial RAMS contribution, the provision of Travel Information Packs and a Travel Plan inclusive of monitoring fee and monitoring of the agreement.
- 4 Advertisement signage associated with the development may require consent under separate Advertisement legislation.
- 5 Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.
- 6 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 7 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.
- 8 The applicant has shown the redundant vehicle crossovers being reinstated back to footway and shown the new location of the vehicle crossover. This will need to be carried out under the appropriate highway agreement and be carried out by the

Council's approved contractor.