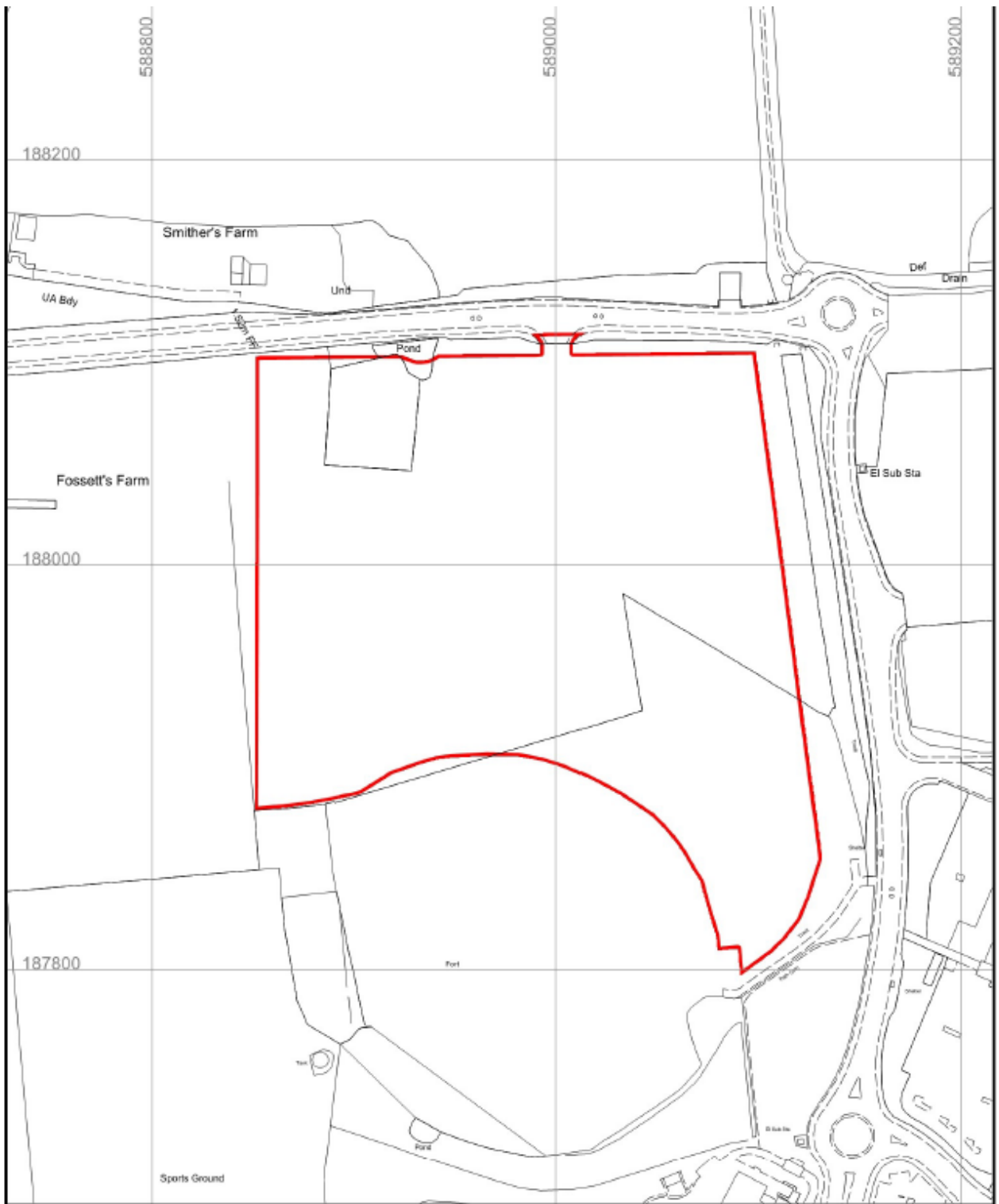


<b>Reference:</b>	24/01115/AMDT	
<b>Application Type:</b>	Amendment Application	
<b>Ward:</b>	St Lukes	
<b>Proposal:</b>	Application to vary Conditions 02 (approved parameter plans) and 08 (details of public open space) to allow for changes in layout (Material Amendment to outline planning permission ref. 20/00337/OUTM)	
<b>Address:</b>	Land At Fossetts Farm, Sutton Road, Southend-on-Sea, Essex	
<b>Applicant:</b>	Mr Ian McFaul of Keepmoat Homes Ltd	
<b>Agent:</b>	Miss Kate Holland of Invicta Planning	
<b>Consultation Expiry:</b>	13.02.2025	
<b>Expiry Date:</b>	07.03.2025	
<b>Case Officer:</b>	Charlotte White	
<b>Plan Nos:</b>	<p><b><u>Amended Plans:</u></b></p> <p><b>CB_11_321_PARAM_001 Rev A (Framework Parameter Plan),</b></p> <p><b>CB_11_321_PARAM_002 Rev A (Land Use Parameter Plan),</b></p> <p><b>CB_11_321_PARAM_003 Rev A (Green Infrastructure Parameter Plan),</b></p> <p><b>CB_11_321_PARAM_004 Rev A (Building Heights Parameter Plan),</b></p> <p><b>CB_11_321_PARAM_005 Rev A (Density Parameter Plan),</b></p> <p><b>CB_11_321_PARAM_006 Rev A (Access and Movement Parameter Plan).</b></p> <p><b><u>Other Plan (unchanged)</u></b></p> <p><b>12605_ACQ_Reb B (Location Plan)</b></p> <p><b><u>Cancelled Plans</u></b></p> <p><b><i>Land Use Parameter Plan - 6702_300 Rev F,</i></b></p> <p><b><i>Green Infrastructure Plan - 6702_301 Rev E,</i></b></p> <p><b><i>Building Heights Parameter Plan - 6702_302 Rev D,</i></b></p> <p><b><i>Density Parameter Plan - 6702_303 Rev D,</i></b></p> <p><b><i>Access &amp; Movement Parameter Plan - 6702_305 Rev C,</i></b></p> <p><b><i>Framework Plan - 6702_306 Rev B.</i></b></p>	

<b>Additional information:</b>	Covering Letter dated 26 <sup>th</sup> June 2024 by Invicta Planning Parameter Plan comparison Document dated October 2024 by Keepmoat.
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION, subject to conditions and subject to the S106 Legal Agreement dated 30 September 2022 and previously signed pursuant to outline permission ref. 20/00337/OUTM which due to its wording, carries forward with this S.73 application, subject to the changes in the previous Deed of Variation (ref. 23/01656/DOV) dated 10 July 2024 and as may be subsequently amended under Deed of Variation ref. 23/01656/DOV which is to be considered separately.</b>



## 1 Site and Surroundings

- 1.1 The application site is irregular in shape and some 6.01 hectares in size and slopes down gently from south to north. The majority of the site was previously covered in a mix of bramble, mixed small trees, mixed long grass, vegetation and saplings, but has now largely been cleared with protective fencing (to protect the Scheduled Monument and retained trees) and reptile fencing now installed.
- 1.2 The site is to the south and west of Fossetts Way. It is currently undeveloped, vacant land that was historically used for agricultural purposes. To the immediate north of the site is Fossetts Way, to the immediate east is a Medieval Green Lane with Fossetts Way beyond. To the south is a large circular enclosure, known as Prittlewell Camp, a Scheduled Monument (SM). To the west of the site is undeveloped, vacant, previously agricultural land. Granted on 21<sup>st</sup> February 2022 planning permission 17/00733/FULM exists for a mixed, development of the adjacent site to the west including relocation of Southend United Football Club. That development has not commenced. To the north of the site planning permission was granted by Rochford District Council under reference 11/00224/TIME for three outside training pitches, an all-weather floodlit training pitch and surface car parking. To the south of the site, beyond the SM is an out-of-town retail area with a Waitrose supermarket and petrol station, B&Q, a terrace of 3 commercial units and the Wellesley Hospital. To the east of the site, beyond Fossetts Way, planning permission was granted for a residential development of 221 units (reference 21/00711/FULM) which commenced but has since stalled with the site having now been largely cleared. A vehicular access from Fossetts Way has been constructed to the north of the site.
- 1.3 The site has no specific allocation within the Development Management Document Proposals Map. Within the Core Strategy Key Diagram, the general area that the site is located within (Fossetts Farm) is identified as an industrial/employment area. The site is subject to a development brief - the "Development Brief for Land at Fossetts Way" which states '*...the subject site is within the ownership of Southend University Hospital Trust and was allocated as 'Safeguarded Land' for employment purposes within the second alteration to the Southend Local Plan. It is now recognised that the site has long term development potential to provide a high quality, sustainable mixed-use residentially led scheme to provide new housing and supporting uses.'*
- 1.4 The site is within Flood Zone 1 – low probability of flooding.

## 2 The Proposal

- 2.1 Outline planning permission reference 20/00337/OUTM was granted on 30<sup>th</sup> September 2022 for the following development: *Erect up to 131 residential units with associated car parking, landscaping and ancillary works at land on Fossetts Way (Outline Application)*. It followed completion of a S106 agreement and was subject to a number of conditions. All matters were reserved apart from access.
- 2.2 That outline permission approved the principle of this quantum of development subject to a series of parameter plans which set out the framework for the detailed development in terms of land uses, green infrastructure, building heights, density and access and movement.
- 2.3 Amongst others, the outline permission was granted subject to the following two conditions:

02. The development hereby approved shall be carried out in accordance with the approved plans and parameter plans: **Location Plan:** 12605\_ACQ\_Rev B Parameter Plans: **Land Use Parameter Plan** - 6702\_300 Rev F, **Green Infrastructure Plan** - 6702\_301 Rev E, **Building Heights Parameter Plan** - 6702\_302 Rev D, **Density**

**Parameter Plan - 6702\_303 Rev D, Access & Movement Parameter Plan - 6702\_305 Rev C, Framework Plan - 6702\_306 Rev B.**

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

08. The area of Public Open Space for the development hereby approved and as defined on the **Land Use Parameter Plan** (6702\_300F) shall be provided and made accessible to the public in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority under the terms of this condition, prior to the first occupation of any residential units.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2.4 The approved outline scheme was supported with an illustrative masterplan which demonstrated one option for how the proposed quantum of development could practicably be delivered at the site. This was helpful in demonstrating that a scheme of the quantum proposed, could have an acceptable impact on the surrounding area. Such illustrative masterplans submitted at outline stage are not definitive and do not preclude other ways in which a site can be master planned to accord with the parameters of development. Detailed plans were not provided or approved within the decision made for that Outline application, being reserved for later consideration as part of the normal planning process for such major development proposals.
- 2.5 The approved parameter plans were generally reflective of, and in turn were focused at that time on, the illustrative masterplan content resulting in limited tolerances allowing for flexibility for alternative design options. Condition 02 above requires the reserved matters scheme to be carried out in accordance with the approved parameter plans. Now that the detailed scheme's design has evolved including the current Applicant's development team's completion of technical due diligence work, it has become apparent that some alterations to the parameter plans are now required.
- 2.6 The Applicant highlights within their submission that the rising main (a pressurised sewage pipe) which runs diagonally through the site and which cannot be built on top of and cannot be in private rear gardens has been identified as being in a different detailed position to that indicated on the approved parameter plans, and because of the constraint factors related to a rising main and its clearances either side the site layout has had to be amended to reflect its actual location. That impacts on compliance with the parameter plans in which respect condition 02 of the outline planning permission is worded in an "absolute" way – in other words not allowing for any degree of tolerance to accommodate the necessary change as things currently stand. The Applicant also highlights that some changes proposed have occurred as a result of further discussions with the Council and technical consultees which have also influenced the site layout and compliance with the outline parameter plans. The parameter plans therefore have to be updated.
- 2.7 Whilst the changes assessed within this report are relatively small scale, condition 02's strictly phrased wording has no flexibility to provide for a situation in which an alternative or amended detailed development proposal would fall within tolerances allowed for within the condition wording so not falling outside the strictures of these approved parameter plan limits. This application therefore seeks to vary the wording of conditions 02 and 08, by varying the parameter plans to provide the way for and thereby ensure compliance between those and the detailed scheme separately proposed under application reference 24/00450/RESM which is pending separate determination. That application will be presented to Planning Committee at a later date. The merits of the detailed scheme itself will be assessed in that separate report for that reserved matters

application in due course.

- 2.8 Within the submission documents, the applicant has provided a *parameter plan comparison document* which clearly sets out the changes proposed and which are summarised below:

Land Use Parameter Plan Key Changes:

1. Changes to the position of the SUDS (Sustainable Drainage System) features from the northern part of the site to the southern part of the site (within the Scheduled Monument buffer area) with a small SuDS area provided to the north-western corner of the site.
2. Changes to the defined key frontage areas. In the approved parameter plans, the key frontages were shown to the perimeter of the site on the northern, the majority of the eastern and western boundaries and to the SM buffer area. These are now proposed to be amended to include the majority of the northern boundary, the western boundary, with part of it now set back, and the majority of the eastern boundary, with some slight set-backs and to the SM buffer, again with some set back. Key frontages are now also proposed to the main spine road (north-south road) and to parts of the main route that runs east-west within the site.
3. The key pedestrian and cycle routes have also been altered and now include more links east-to-west with a formerly-proposed northern access removed.

Green Infrastructure Plan Key Changes:

1. Repositioning of the foul sewer and its 3m no build zone either side, which is due to a more accurate survey having been undertaken which has provided a more precise detail of its position.
2. Two trees that were shown to be retained to the northern part of the site have since been removed so the current application reflects that change.
3. Changes to the position of the SUDS features from the northern part of the site to the southern part of the site (within the Scheduled Monument buffer area).
4. Tree belts on western and eastern sides of the site are modified in size and extent.
5. The key pedestrian and cycle routes have also been altered and now include more links east-to-west with a formerly-proposed northern access no longer proposed.

Building Heights Parameter Plan Key Changes:

No change.

Density Heights Parameter Plan Key Changes:

No change.

Access and Movement Parameter Plan Key Changes:

1. A formerly illustrated emergency access no longer needed at the north-western corner of the site.
2. The key pedestrian and cycle routes have been altered and realigned and now include the removal of a formerly proposed northern access and creation of more links east-to-west, due to them not being technically accurate previously and to realign to the new more accurate rising main easement information.

Framework Plan Key Changes:

1. Changes to the position of the SUDS features from the northern part of the site to the southern part of the site (within the Scheduled Monument buffer area) with a small SuDS area to north-west of the site.
2. Changes to the frontage positions around the perimeter of the site with new frontages provided within the site.
3. Locations for public open spaces changed within the site from two spaces along the rising main easement to one along the easement and one towards the north-eastern

corner of the site.

The Applicant explains why the changes are needed as follows:

- The change to the position of the SUDS to within the SM buffer (called Prittlewell Park) will constitute small attenuation depressions (shallow ground indentations requiring minimal dig) to the north side of Prittlewell Park to collect surface water run off to stop it running onto the road/front of dwellings to intercept potential overland flow from the higher existing ground south of the residential built form. This addresses potential flood risk concerns from existing surface water and the flows are directed through the development and discharged to the existing pond which is adjacent to the northern boundary. The layout has been updated to reflect the changes to the SuDS location. With the large SuDS feature removed from the masterplan, the space has been re-organised to allow dwellings to front onto the landscaped east – west corridor and face the road with parking to the rear.
- The north-south road has been changed to a pedestrian/cycle friendly environment set within soft landscaping to provide a green link through the site to benefit the overall proposal.
- Significant site investigation work found that the foul sewer alignment as plotted on the outline application was incorrect, it has been amended and corrected as part of this application with the relevant stand-off distances incorporated. The pedestrian/cycle links have been updated to reflect the correct alignment.
- Two trees were removed to facilitate the development, for reptile trapping reasons and to enable knotweed clearance.
- SuDS removed from the north-west and redirected to an existing pond to the northern boundary and connects into an existing surface water drainage system which drains via a headwall and culvert under the road and then out to the existing watercourse to the north. This change is due to on-site and wider off-site investigations which showed these existing connections with this approach seeking to replicate the baseline hydrology more closely as opposed to seeking to connect to surface water sewers further west of the site.
- The tree belt to the western boundary has been modified in size to allow better visual and physical integration between the site and the site to the west. These trees were not required for BNG or landscaping and would create additional shading to the fronts of the dwellings.
- The formerly-indicated emergency access is not required for the development and has therefore been removed from the current plans. The Agent explains that an emergency access was shown at the lowest point of the site where there was originally a pond, which the development approved in outline intended to use for surface water drainage. With the inclusion of that feature the access would need to have been moved, but it was also actually determined that the emergency access was not needed. As the scheme designs developed, potential access points to the west into the stadium scheme to the west were included to provide better integration between the two sites and pedestrian connectivity. This was also a part of the Building for Healthy Life Assessment requirement placed on the developer by the land-owner Homes England. The emergency access would also use third party land to access onto the highway which the agent advises wouldn't be deliverable without putting the developer into a ransom situation.
- The pedestrian and cycle link to the northern boundary has been aligned with off-site highway works which show an access into the site to the north and align with the existing crossing point on Fossetts Way.

2.9 The Council has issued an Environmental Impact Assessment (EIA) screening opinion based on the redevelopment of the site for up to 145 dwellings which concluded that the development did not constitute EIA development.

- 2.10 Noting that the red line and description of development have not altered from those in the substantive 2022 outline planning permission, Officers consider that the level of change in this case falls within the scope of a Section 73 (amendment) application.

### **3 Relevant Planning History**

- 3.1 The most relevant planning history for the determination of this application is set out below:

#### Reserved Matters Application:

- 3.2 24/00450/RESM - Application for the approval of Reserved Matters including details of Appearance, Layout, Scale and Landscaping relating to the development of the site, comprising of 131 residential dwellings (Class C3) with associated car parking, landscaping and ancillary works at land on Fossetts Way, submission of details for discharge of conditions 06 (Details of Levels), part discharge of condition 07 (Hard and Soft Landscaping), 09 (Tree Protection Measures), 10 (Noise Impact Assessment), 13 (Compliance of Building Regulations Part M4(2) and M4(3)), 15 (Site Contamination Parts a-e1), 16 (Lighting Assessment and Lighting Design), 19 (Cycle Parking), 20 (Car Parking), 22 (Vehicle Cycle and Pedestrian Routes), 23 (Waste Servicing Plan), 24 (Refuse and Recycling stores), 25 (Drainage Infrastructure and Drainage Strategy), 26 (Flood Mitigation Strategy), 27 (Ecology) and 30 (Compliance of Aviation Safety) (Approval of reserved matters following outline permission 20/00337/OUTM dated 30th September 2022 – Pending Determination).

#### Outline planning permission:

- 3.3 20/00337/OUTM - Erect up to 131 residential units with associated car parking, landscaping and ancillary works at land on Fossetts Way (Outline Application) – outline permission granted 30 September 2022.

#### Screening Opinion

- 3.4 19/01171/RSE - Development of site and erect up to 145 residential units, landscaping, open space and ancillary works (Request for Screening Opinion) – EIA not required.

#### Deed of Variation:

- 3.5 23/01656/DOV - Modification of planning obligation (Section 106 agreement) dated 30th September 2022 pursuant to application 20/0337/OUTM to vary the wording of the S106 to allow a hierarchical approach to the Biodiversity Net Gain requirement (to allow the biodiversity net gain to be provided on site, within the City Area, within the wider region or by utilising the Biodiversity Credits Scheme) and to add a clause to the S106 agreement to allow the developer a right of access onto the SAM transferred land for the purpose of implementation of the planning permission and to undertake works within the SAM buffer area – Modification of S106 Agreed.
- 3.6 24/02032/DOV - Modification of planning obligation (Section 106 agreement) dated 30th September 2022 pursuant to application 20/00337/OUTM dated 30.09.2022 to modify Biodiversity Net Gain (BNG) – Pending Consideration (and report for which appears elsewhere on this Committee agenda).

#### Approval of Details applications:

- 3.7 24/00294/AD - Application for approval of details pursuant to condition 03 (archaeological written scheme) and 04 (details of protection measures of The Prittlewell



Camp Scheduled Monument and the Scheduled Monument Buffer) 20/00337/OUTM dated 30/09/2022 – **details approved in as far as they relate to initial site preparation works only.**

- 3.8 24/00246/AD - Application for approval of details pursuant to condition 06 (details of levels), 09 (tree protection measures) and 18 (Construction Environmental Management Plan) of planning permission 20/00337/OUTM dated 30/09/2022 – details approved – **details approved in as far as they relate to the initial site preparation works only.**
- 3.9 23/01582/AD - Application for approval of details pursuant to condition 03 (Archaeological Written Scheme of Investigation) of planning permission 20/00337/OUTM dated 30.09.2022 – pending determination.
- 3.10 23/01188/AD - Application for approval of details pursuant to conditions 27-part 6 (Reptile Mitigation Strategy) of planning permission 20/00337/OUTM dated 30/09/2022 – **details approved, condition part approved.**

Relevant Historic Applications:

- 3.11 04/00550/FUL – Construct diagnostic and treatment centre comprising part two / part three storey building and lay out 392 parking spaces with access and egress onto new link road – Planning permission granted.

Pre-application:

- 3.12 23/01207/PREAPF – Pre-application series of meetings to discuss reserved matters scheme.
- 3.13 23/00600/PREAPF - Construction of 134no. dwellings (Meeting plus written advice) – Advice given and pre-application closed.

## **4 Procedural Matter**

- 4.1 This application is presented to the Development Control Committee for determination given its nature and scale.

## **5 Representation Summary**

### **5.1 Public Consultation**

Fifty-two (52) neighbouring properties were notified of the application by letter, five (5) site notices were displayed around the site and a press notice published. A second round of consultation was undertaken due to a change to the description of the development. Two (2) letters of objection have been received. Summary of comments:

- Insufficient infrastructure in this area to support this development.
- Concerns that the roads are already overcrowded and about traffic pollution which needs to be monitored and which has increased.
- Large estates have been built since the Fossetts Farm development was first proposed with no improvements in the east, west road.
- Concerns relating to how the development relates to the development at the adjoining site (football club site) which has planning permission and for which new pre-application meetings are being undertaken. Concerns that the principle and relationship between the two sites have fundamentally changed. Detailed concerns in this respect include:
  - Boundary distances of buildings and proximity to the western edge of the site.

- That the northern link between the 2 sites has no relationship with the evolving masterplan or extant master plan at the adjoining site.
- Four storey scale hard against the site's western boundary.
- Scale of the proposed apartment buildings fronting Fossetts Way to the north which has an aspect west and into rear gardens of proposed homes on the neighbouring site.
- Scale of the proposed apartment building to south-western boundary and that it has an inactive ground floor aspect towards the adjoining site to the west.
- Overlooking and concerns relating to the back-to-back distances between residential properties creating unacceptable future amenity conditions.
- Ecology and biodiversity concerns.
- Concerns relating to the linkages to both sites to the new open space of Prittlewell Camp.
- Concerns relating to layout being hard against the boundary of the adjoining site with limited landscaping/boundaries.
- Want the houses on the western boundary moved to align more with the original masterplan and want the hedgerow enhanced in this location and be set further back in the site.
- A stadium is no longer proposed, and the site should therefore reflect the emerging masterplan and land uses of the adjoining residential-led site. Linkages between the 2 sites should therefore be revisited.
- The apartment buildings are not in appropriate locations for gateway buildings. They do not adhere to place making principles and will be imposing on the adjoining site.

**[Officer Comment:** Outline planning permission has already been granted for the development on the site subject of this report, and this application is seeking only to amend the parameter plans of that outline permission with related modification of conditions 02 and 08 of the previous permission. At the time of writing this report, there is no revised plan approved or planning application submitted for the redevelopment of the site to the west excluding a football stadium. The detail in terms of appearance, layout, scale and landscaping for the redevelopment of this site will be considered at reserved matters stage. All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted, and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the circumstances of this case.]

## 5.2 Highways Team

No objection.

## 5.3 Essex County Fire and Rescue Service

The drawings provided do not offer sufficient details from which to assess the suitability of fire service access roads. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulations Stage.

**[Officer comment:** This application seeks an amendment to an outline permission. More detail for the scheme will be available at Reserved Matters Stage.]

## 5.4 Environmental Health

Request that any variations to the approved plans are incorporated into the previous environmental assessment submitted, in particular for noise impacts on dwellings.

**[Officer comment:** It is noted that the changes proposed to the parameter plans are relatively minor overall and that full details of the development will be considered at Reserved Matters Stage. In this respect, the Applicant has also confirmed that an updated noise assessment accompanies the Reserved Matters application that has

been submitted (and which will be presented to a Planning Committee meeting separately in due course). The Applicant has also commented that they understand that the Stadium will not be delivered at the neighbouring site and as such in terms of noise issues they do not anticipate any issues with the updated proposals.]

#### 5.5 **London Southend Airport (LSA)**

No objection as long as the development is no taller than the heights assessed in the IFP report.

[**Officer comment:** The Agent has commented that the applicant has been through the relevant procedure with the airport in relation to the IFP [Instrument Flight Procedure] Assessment and have provided a copy of letter from London Southend Airport dated 13 November 2024 stating the Airport have no safeguarding objections to this application. The outline permission was subject to a condition (condition 30) that requires compliance with the Instrument Flight Procedures and EASA [European Union Aviation Safety Agency] lighting and renewable requirements and a similar condition can be imposed on any grant of consent in this respect, noting that this condition is yet to be discharged.]

#### 5.6 **Lead Local Flood Authority (LLFA)**

No objection, subject to a drainage condition being imposed to cover a new drainage strategy/drainage plans based on the new SuDS locations (condition 25 of the outline permission).

#### 5.7 **Anglian Water**

The application is not relevant to Anglian Water, no comments.

#### 5.8 **Historic England**

No objection. Following receipt of additional information, Historic England do not wish to offer any comments on the application.

#### 5.9 **Design and Conservation Officer**

No objection as the scheme within the Reserved Matters Application is generally acceptable in terms of its impact on the Schedule Monument and is compliant with the amended parameter plans.

#### 5.10 **Essex Badger Protection Group**

Holding Objection - The development at Fossetts Farm was most recently supported by an ecological survey report dated November 2023. Despite the date of the report, the actual survey which informed its conclusions was carried out in June 2023. At that time, a single, active, outlier sett was confirmed which was marked for closure under licence. It is unclear whether this closure has yet taken place, or whether any additional setts have been dug in the intervening period.

The badger is a dynamic species, such that nature and levels of activity throughout their range would be anticipated to vary over time. Accordingly, any survey can only provide a snapshot of the current/recent activity to guide consideration of the overall activity levels at site, with surveys considered to remain valid/up to date for a limited period (no more than 12 months).

Therefore, the ecological position should be reassessed prior to any approval of further applications, with the updated survey provided before the determination of this application and not added as a pre-commencement condition.

[**Officer comment:** This is addressed in detail in the assessment of the application below. Given that this is an amendment application to an extant outline planning

permission, and given the nature and scale of the changes being proposed, it is not necessary or reasonable to request updated ecology surveys in the particular circumstances of this case.]

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) (2024)
- 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), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space) and 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), DM5 (Southend-on-Sea's Historic Environment), DM6 (Seafront – for RAMS), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Land at Fossetts Way Informal Development Brief. [**Officer comment:** The development brief has been adopted as Corporate Policy – it does not form part of the development plan for Southend-on-Sea, rather it compliments existing planning policy and should be regarded as guidance which will be a material consideration during the assessment of this planning application.]
- 6.9 Technical Housing Standards Policy Transition Statement (2015)
- 6.10 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.11 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 6.12 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.13 Planning Obligations: A Guide to Section 106 and Developer Contributions (2015)
- 6.14 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.15 Vehicle Crossing Policy & Application Guidance (2021)
- 6.16 Town and Country Planning Act 1990 (as amended): Section 90A, Schedule 7A (Biodiversity Net Gain)

## **7 Planning Considerations**

- 7.1 The proposal seeks to vary the detail of the parameter plans approved at outline stage under application reference 20/00337/OUTM and as controlled by Condition 02 of that outline permission. It is also proposed to amend Condition 08, which restricts the location of the public open space to be in accordance with the Land Use Parameter Plan only, by updating that parameter plan. The current proposal has the same red line site boundary and the same description of development as the outline application. As such, in principle the proposal falls within the scope of, and can be considered as a material amendment application under S.73 of the Town and Country Planning Act 1990 (as amended).
- 7.2 Since the determination of the outline application, the NPPF and PPG have been updated but these updates do not materially alter the assessment of the application. Biodiversity Net Gain legislation has now also come into force, however, BNG related requirements were previously included in the S106 for this development and a Deed of Variation has since been agreed to enable the S106 to better reflect the legislation, with a further Deed of Variation now pending relating to proposed changes to the BNG requirements of the S106 which are separately considered. These legislative, policy and guidance changes do not alter the assessment context for the current application.
- 7.3 The appraisal below considers the planning implications of the proposed amended parameter plans. They cover the land uses across the site, green infrastructure, building heights, density, access and movement. Consideration is needed of the changes to the framework plan which sets out the overarching layout for the development including connections, heritage, trees and planting, housing/character areas and frontages and streets, spaces and wayfinding.
- 7.4 The following matters, which were considered in detail and found acceptable at outline stage, and which are controlled by the outline planning permission's terms and conditions are unaffected by the proposed amendments to the parameter plans and include:
- The principle of the development including the provision of housing and the loss of employment land.
  - Dwelling mix – agreed in principle at outline stage and will be confirmed and finalised at Reserved Matters stage and to be subject of subsequent application(s) .
  - Impact on heritage assets (other than the impact on the character, appearance and setting of the Scheduled Monument (SM)).
  - Contamination, subject to the Contamination Assessment previously submitted and conditioned.
  - Air Quality, subject to the Air Quality Assessment previously submitted and conditioned.
  - Light pollution, subject to the previous condition imposed.
  - Sustainable Transport, subject to the S106 and conditions previously imposed.
  - Electric vehicle charging, subject to the condition previously imposed.
  - Highway network and highway safety.
  - Sustainability subject to the conditions previously imposed.
  - Flood risk subject to the condition previously imposed (excluding drainage and SuDS considerations).
  - RAMS, subject to the S106.
  - Biodiversity enhancements/biodiversity net gain (BNG), subject to the S106, as amended by the Deed of Variation (ref. 23/01656/DOV) and subject to the pending Deed of Variation (ref. 24/02032/DOV) which is considered separately to this application.
  - CIL which will continue to be calculated at reserved matters stage.

- 7.5 The relevant consultees have confirmed that the above aspects of the proposal remain acceptable in all relevant regards.
- 7.6 Given the limited extent of information necessary to be provided in an outline application, the more detailed planning considerations, such as dwelling mix, detailed design including layout, building form and appearance, the standard of accommodation and impact on neighbours' amenity were considered in strategic terms leading to the grant of the substantive outline planning permission. The nature of those considerations is unaffected by the amended parameter plans now proposed. The appropriate route for these issues to be assessed in detail is through the reserved matters application, reference 24/00450/RESM, which is considered separately and will be presented to the Planning Committee in due course for consideration on its merits.

## **8 Appraisal**

### **Design and Impact on the Character, Appearance and Setting of the Scheduled Monument (SM)**

#### *Policy Context*

- 8.1 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that the Council "...is committed to good design and will seek to create attractive, high-quality living environments."
- 8.2 Paragraph 131 of the NPPF states "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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."
- 8.3 Development Management Document Policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 8.4 Policy KP2 of the Core Strategy states that new development should "respect the character and scale of the existing neighbourhood where appropriate." Policy CP4 of the Core Strategy requires that development proposals should "maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development."
- 8.5 The Ancient Monuments and Archaeological Areas Act 1979 provides the legal protection for Scheduled Monuments (SM). As a SM, Prittlewell Camp is statutorily protected and is of national significance.
- 8.6 Paragraph 213 of the NPPF states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

- 8.7 Paragraph 214 of the NPPF states “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”
- 8.8 Paragraph 215 of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 8.9 Policy DM5 of the Development Management Document states, “Developments that are close to or in the vicinity of a Scheduled Ancient Monument will be expected to ensure that the Monument and its setting are preserved and enhanced.”
- 8.10 The Development Brief states: “There is a Scheduled Monument immediately abutting the southern boundary of the site known as “Prittlewell Camp” described as “a slight univallate hillfort” [**Officer comment:** *univallate* means having one raised edge or wall surrounding a depression]...it includes the earthworks of a circular enclosure and a mound on its south-eastern bank. The hillfort dates from the later Bronze Age or Early Iron Age and is nearly circular in plan, measuring approximately 250m in diameter. The south-western third of the perimeter is defined by an earthen bank and external ditch which survive within a wooded belt. The bank averages 3.5m in width and 0.9m high. The ditch is less clearly visible, having been partly used as a corporate dump in the 1920s, although some sections remain exposed and measure up to 4m in width and 1.4m in depth.

The northern and eastern sections of the ramparts have been reduced by ploughing, although undulations marking the line of the defences were noted in the early part of this century and the line of the bank has been recorded from the air as a cropmark (a variation in crop growth caused by buried features). Observations of a pipeline trench to the Barling Outfall Works in 1929 revealed that the external ditch may not have continued around this side of the hillfort, perhaps as the approach from this side was already restricted by marshy land.”

Proposed changes:

- 8.11 The changes sought to the parameter plans which have implications in terms of design and which have potential to impact the setting of the SM are set out and considered in turn below (as noted above, these considerations are at a high level, given that this amendment application relates to an outline permission, with full details to be considered at reserved matters stage):

Change to the position of the SuDS:

- 8.12 As set out in Section 2 above, it is proposed to relocate the SuDS from the northern part of the site, to be within the SM buffer, with a small area of SuDS provided in the north-western corner of the site.
- 8.13 In terms of the impact of this change on the SM, the Agent has confirmed that the SuDS within the SM buffer area will constitute small attenuation depressions (shallow ground indentations which require minimal dig) and that they will be located to the north side of the buffer area. Historic England plus the Council’s Design and Conservation Officer do not object in this respect. Subject to the same conditions previously imposed in terms of submission of an archaeological written scheme of investigation, requiring full details of protection measures proposed for the SM/buffer area during construction, and requiring

full details of the drainage infrastructure and strategy to be submitted and approved, the development is acceptable and policy compliant in this respect.

- 8.14 The change in the location of the SUDS, given the size and scale of the development does not significantly harm the overall character or appearance of the development or the design of the development overall.

Changes to the Key Frontage Areas

- 8.15 The changes proposed result in some gaps and some set-backs to the key frontages compared to the substantive outline parameter plans, and overall, the key frontages remain acceptable and continue to be presented to both of the main roads and existing public realm which is positive. The key frontages also include key elements within the site, including to the SM, with an element set back from the buffer which is acceptable in design and heritage terms. To the western boundary, adjacent to a likely development site, key frontages are included throughout, apart from where the key pedestrian and cycle accesses will be provided which is positive. The amended parameters also seek to provide key frontages to more parts of the site within the development itself, particularly to the main spine roads which is positive for the design overall and the development as a whole. These changes are therefore acceptable and policy compliant in the above regards.

Changes to the key pedestrian and cycle routes

- 8.16 The changes to the key pedestrian and cycle routes within the site provide greater permeability across the site in an east-west direction which is positive. The connections towards the green lane to the east and to the potential development site to the west are improved compared to the previous parameter plans. A connection is no longer proposed within the site to the north, but given the existing main north-south access and the improved east-west connections, this is acceptable in terms of permeability through the site and is acceptable in design terms. Pedestrian and cycle connections are maintained through the site to the SM, which is acceptable in heritage terms. A condition was imposed on the original outline permission requiring full details of the vehicle, cycle and pedestrian routes within the site to be agreed by the Local Planning Authority. This condition can similarly be reimposed in this respect.

Repositioning the foul sewer and 3m no build zones

- 8.17 The new position is not too dissimilar to that previously approved under the substantive outline parameter plans (it has moved between approximately 4m (western part) to some 1.5m (eastern part) to the west at the northern part of the site, has a more regular linear shape than in the original and extends some 7m further south than originally identified). As such it is considered to not have any material impact in design, character or heritage terms. A scheme of an acceptable design, layout, and appearance for up to 131 units would still be able to be provided on the site with this change.

Removal of two trees that were previously shown retained and modification to the size of the tree belts on the eastern and western boundaries

- 8.18 Two trees were previously shown to be retained. They were oaks and category B trees which are defined as trees of moderate quality and value. The trees were not protected by a Tree Preservation Order (TPO). They were removed to facilitate the development, as part of the reptile trapping exercise and to facilitate knotweed removal.

- 8.19 As these were two moderate quality trees their removal can be satisfactorily mitigated by the Agent's confirmation that replacement trees across the whole development will be provided at a rate of more than 4x the amount of trees being removed, which exceeds the Council's usual requirement of 2:1 tree replacement. In this context and as part of an overall balanced assessment the impact of that change is acceptable in design, character and heritage terms, and the replacement tree planting can be secured via the



landscaping condition/at reserved matters stage.

- 8.20 Landscaping is a reserved matter for later consideration as part of the detailed scheme. Conditions were previously imposed requiring the landscaping details via the reserved matters and a detailed hard and soft landscaping condition was imposed requiring full details of the trees to be retained and the number size and location of the trees to be planted. Subject to the same conditions, and on the basis of the Agent's continued commitment to replace each tree lost at a rate of more than 4:1, the amended development is considered acceptable in this regard.
- 8.21 The modified size of the buffer tree planting areas to the eastern and western boundaries partly not to dominate west facing dwellings is noted and tree belt planting will still be provided in these locations, which is positive and as set out above the Agent commits to providing replacement tree planting on a more than 4:1 ratio.
- 8.22 It remains the case that this amendment relates to an outline permission, with further details of the final design and layout to be considered at reserved matters stage. The development is therefore acceptable and policy compliant in these regards, subject to the same landscaping conditions.

Emergency Access change at the north-western concern of the site.

- 8.23 The formerly proposed access has been identified as no longer required and this would have no impact on the setting of the SM and would allow for continued frontages in this location which is positive in design terms.

Location of Public Open Spaces

- 8.24 Given the size, scale and nature of the proposal, there is scope to alter the location of the open spaces and still provide a well-designed scheme that provides good amenities for future occupiers. The new positions of the public open spaces are acceptable in design and heritage terms. The previous conditions imposed required full details of the public open spaces, including in terms of the landscaping condition which required, amongst other things, full details of the play equipment, benches and associated facilities proposed at the site, and included a condition requiring the public open space to be provided and made available to the public which can be reimposed here. Such requirements can similarly be controlled via the same landscaping condition and the updated open space condition (amended to reflect the amended land use parameter plan submitted with this amended application.)

Summary

- 8.25 In design terms, the changes proposed do not alter the scale of the development (neither the density nor the building height parameter plans are proposed to be altered). The layout is altered in terms of pedestrian and cycle routes, the emergency access no longer being needed within the development, the location of the SUDS, frontages and open spaces and the location of the foul sewer easement. Given the overall size and nature of the development none of these changes is considered to result in any significant harm to the layout, or to provide a layout which is unacceptable in terms of its impact on the setting of the SM, the permeability of the site, or the site's overall character and appearance. Full details of the appearance and layout of the development will be considered at reserved matters stage.
- 8.26 More than 4:1 replacement tree planting will be provided and subject to the same landscaping conditions, this is considered acceptable in design and character terms and will satisfactorily mitigate the removal of the two moderate quality trees plus the modifications to the proposed eastern and western boundary tree belts.
- 8.27 The amendments proposed are to an outline permission, with all matters reserved apart

from access, and overall, the changes to the parameter plans sought here would not harm the overall appearance or design proposed. It remains the case that a development of up to 131 dwellings on the site of an acceptable size, scale, layout and appearance and which would have an acceptable impact on the character, appearance and setting of the Scheduled Monument could continue to be provided satisfactorily on the site. The proposal is therefore acceptable and policy compliant in these regards.

### **Impact on Residential Amenity**

- 8.28 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.
- 8.29 This amendment application relates to an outline planning permission for which details of appearance, scale, layout and landscaping are reserved for later consideration. Also, the site is located with undeveloped land currently to its west (albeit planning permission has been granted to redevelop that site for a stadium and housing) and to its south, with an existing road separating the site from the undeveloped land to the north (which has planning permission granted for training pitches). Similarly, an existing road separates the site from the land to the east which has planning permission to construct 221 residential units. That permission was implemented.
- 8.30 The eastern edge of the development site would be approximately 40m from the adjoining site to the east and the dwellings to the western side of the application site would be adjacent to the proposed stadium, as approved under planning application ref. 17/00733/FULM.
- 8.31 This amendment application does not seek to alter the building heights or the density parameter plans. The proposed changes, include repositioning the SuDS, changes to key frontages, changes to key pedestrian and cycle routes, repositioning for the verified foul sewer and easement position, regularising removal of two trees and modifying the size of the tree belts to the eastern and western boundaries along with the removal of an emergency access which is no longer needed and changes to the locations of the public open spaces. These changes although sufficiently material to require further permission would not alter the original findings that a scheme of up to 131 residential units could be designed on the site which would not result in any significant residential amenity concerns in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or material overlooking and loss of privacy given the location of the site and its separations from other residential dwellings.
- 8.32 The substantive outline permission was submitted with a Daylight and Sunlight Assessment which considered the impact of the development on the adjoining site to the west and on the existing dwellings towards the north beyond greenery on the north side of Fossetts Way. It concluded that there would be no significant impacts with respect of daylight or sunlight under the maximum parameters.
- 8.33 Third party concerns have been raised about the relationship of this development to the adjoining site to the west, including the distance between the proposed dwellings as amended and the western boundary of the site, the scale and location of the development adjacent to the western boundary of the site, the scale and location of the apartment blocks proposed and their impact on the gardens of proposed homes on the site to the west and overlooking concerns for future residents on the adjoining site. In

this respect, this amendment application relates to an outline permission, whereby appearance, layout, scale and landscaping are to be detailed so that they can be fully assessed at reserved matters stage. It is also noted that there is no extant planning permission, or planning application submitted at the site to the west omitting the stadium. The dwellings on the western side of the site would be next to the stadium in the extant planning permission at the adjoining site. Staff find that nothing in the amended parameter plans now proposed would materially prejudice the redevelopment of the site to the west, noting that the scale and density is not sought to be changed and that full details, including layout will be considered at reserved matters stage.

- 8.34 As such it remains the case, that a scheme to develop the site for up to 131 residential units could be designed on the site that would not result in any significant residential amenity concerns in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing or undue overlooking or loss of privacy. It remains the case that construction noise can be controlled by a condition requiring submission of a Construction Environmental Management Plan. Subject to the described condition, the amended development is therefore acceptable and policy compliant in the above regards.

### **Impact on Living conditions**

- 8.35 Paragraph 135 of the NPPF states “Planning policies and decisions should ensure that developments...f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...”

#### National Technical Space Standards

- 8.36 This application seeks an amendment to parameter plans related to an outline permission, with all matters apart from access reserved for later consideration. As such, the design, layout, scale and appearance of the dwellings is yet to be determined. In accordance with the previous findings, it is considered that a scheme of up to 131 dwellings in accordance with the amended parameter plans, could be provided on the site that would satisfy the minimum requirements of the technical housing standards. The development is acceptable and policy compliant in this respect.

#### Light and Outlook

- 8.37 The approved substantive outline application was submitted with a Daylight and Sunlight Assessment which considered the light conditions for the future occupiers of the proposed development, taking into account the proposed scheme for a football stadium at the adjoining site to the west. The report concluded:

- Daylight: “It is anticipated that satisfactory daylight could be achieved in all dwellings through design development of the masterplan layout, fenestration and/or room layouts. This could, if necessary be demonstrated through a further Daylight and Sunlight Assessment at Reserved Matters Application Stage.”
- Sunlight: “It is anticipated that satisfactory sunlight could be achieved through design development of the masterplan, layout, fenestration and/or room layouts. Avoiding single-aspect dwellings, especially north-facing, is critical to meeting the good practice recommendations in full. This could, if necessary, be demonstrated through a further Daylight and Sunlight Assessment at Reserved Matters Application stage.”
- Overshadowing: “...almost all of these spaces [the open spaces within the illustrative masterplan] receive at least 2 hours of sunlight on 21 March.”

- 8.38 In accordance with the previous conclusions, given the findings of that report and subject to the submission of a further Daylight and Sunlight Assessment at Reserved Matters Stage, which will be highlighted as a requirement through an informative, the development is considered acceptable in this instance. It is considered that a scheme

of up to 131 dwellings, in accordance with the amended parameter plans, could be provided on the site that would provide adequate and acceptable levels of light, outlook and ventilation for any future occupiers.

#### Amenity Areas

- 8.39 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.”
- 8.40 Paragraph 138 of the Design and Townscape Guide states: “Outdoor space significantly enhances the quality of life for residents and an attractive and useable garden area is an essential element of any new residential development. The required amount of amenity space will be determined on a site by site basis taking into account local parks and the constraints of the site. Developments that provide little or no private amenity space will only be acceptable in exceptional circumstances and will be required to justify their reasons. Usable balconies and terraces can provide valuable additional private amenity areas particularly on flatted schemes but should normally be provided in addition to a larger area of amenity space usually provided at ground level.”
- 8.41 This amendment application relates to an outline application with the details of appearance, scale, layout and landscaping remaining reserved for later consideration. In accordance with the previous findings, it remains the case that a scheme of up to 131 units could be designed on the site that would provide acceptable amenity areas for its future occupiers.
- 8.42 The Development Brief for the site states ‘A small play area for younger children should be included within the development. This needs to be conveniently placed with good natural surveillance.’
- 8.43 The amended Framework Parameter Plan continues to provide two areas of play/locations for public spaces within the site, in slightly different locations than the previous two areas proposed. The siting of these areas is conveniently located with good natural surveillance possible from the housing proposed on the site. It remains the case that the amended parameter plans could accommodate a scheme of up to 131 dwellings whilst also meeting the requirements to include an area for younger children to play and providing good amenity for the future occupiers of the site overall.

#### Accessibility

- 8.44 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and these standards now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in ‘major applications’ should be built to be wheelchair accessible.
- 8.45 The Development Brief states “The internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. To achieve this all new dwellings should meet Building Control requirements and at least 10% should be either wheelchair user dwellings, or easily adaptable for residents who are wheelchair users.”
- 8.46 A condition was previously imposed on the substantive outline permission requiring 10% of the units to comply with the building regulations M4(3) standards and the remaining

units to be building regulations M4(2) compliant and this can similarly be imposed on here.

#### Other Matters related to Living Conditions

- 8.47 Interlocking will continue to be considered at reserved matters stage, once the final layout of the development has been finalised. In terms of waste, recycling, noise (road noise and stadium noise) contamination, light pollution and air quality, it is similarly considered that the amended parameter plans would not alter the conclusion that these matters can adequately be dealt with at reserved matters and/or condition discharge stage. In accordance with the previous findings and subject to the same conditions, the amended scheme remains acceptable and policy compliant in these regards.

#### Summary

- 8.48 Overall, it is considered that a scheme of up to 131 dwellings, built in accordance with the amended parameter plans could be developed on the site and provide acceptable living conditions for its future occupiers, subject to the same conditions previously imposed in these regards.

### **Parking, Traffic and Transportation**

#### Policy Considerations

- 8.49 Paragraph 115 of the NPPF states “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”
- 8.50 Paragraph 116 of the NPPF states “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, following mitigation, would be severe, taking into account all reasonable future scenarios.”
- 8.51 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.”

#### Sustainable Transport

- 8.52 The substantive outline permission considered sustainable transport requirements in detail with a detailed Transport Assessment submitted which outlined that the sustainable transport strategy was to provide improved connections through the site, extended bus service, improved cycle routes and footways across the site. A S106 Legal Agreement was completed in this respect to secure improvements to the bus service, a contribution of £10,000 towards cycleways, a car club space, travel packs and an updated travel plan and travel plan monitoring. This amendment application does not alter any of these S106 contributions.
- 8.53 In terms of connections across the site, the amendments provide improved east-west connections which is positive. An access from the north is removed, however, the main north-south access is retained. As such the permeability of the site, and the connections across the site remain acceptable. The substantive outline planning permission was also

subject to a condition requiring, notwithstanding the information and plans submitted, full details of the vehicle, cycle and pedestrian routes within the site to be submitted to and approved in writing by the Local Planning Authority in the interests of sustainability and permeability. The same condition is recommended to be reimposed here.

#### Access

- 8.54 The vehicular access to the site is not sought to be changed as part of this amendment application and will continue to utilise the existing priority ghost island junction to the north of the site which has been designed to accommodate necessary movements by cars and service and emergency vehicles. As set out above, and in accordance with the findings leading to the substantive outline permission, full details of the formal and informal pedestrian and cycle routes within the site and to connect to the adjoining site will be controlled via condition. Servicing and delivery requirements will also be dependent on the final masterplan which will continue to be determined at reserved matters stage, and which will continue to be controlled by planning condition.

#### Parking

- 8.55 Policy DM15 states “All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.”
- 8.56 The adopted parking standards require a minimum of 1 parking space per dwelling for flats and 1-bedroom houses, a minimum of 2 parking spaces for houses with 2 or more bedrooms and a minimum of 1 covered and secure cycle parking space per unit. The Development Brief requires the application scheme to provide car and cycle parking in accordance with the latest adopted standards.
- 8.57 The substantive outline permission committed to providing car and cycle parking in accordance with Policy DM15. None of the changes hereby sought would alter this or prevent the scheme meeting these policy requirements. The same conditions previously imposed requiring the necessary level of parking and cycle parking, in accordance with policy can similarly be imposed here.
- 8.58 In terms of EV charging, the substantive outline permission was subject to a condition requiring at least one parking space for the car club and one space per residential unit to be fitted with an active electric vehicle charging point with the remaining spaces fitted with passive provision of electric vehicle charging. Subject to the same condition, the amended proposal remains acceptable and policy compliant in this respect.

#### Highway Network and Highway Safety

- 8.59 Given the nature of the changes hereby sought and the findings of the Transport Assessment submitted with the original outline permission which included traffic surveys, consideration of the impact of the development on highway capacity, accident data, etc. and given its overall conclusion that “...the modelling assessment has shown that the existing highway network surrounding the development site has sufficient capacity to cater for the increase in forecast traffic growth and future levels of development traffic,” taking into account the nature of the changes now sought it is not considered that the changes would alter this conclusion. The Highways Team have raised no objection to this amendment application.

#### Construction Phase

- 8.60 The original outline permission was granted subject to a condition requiring a Construction Environmental Management Plan, Strategy and Method Statement to be

approved by the Local Planning Authority. This condition has since been partially discharged in as far as it relates to the site preparation works only. As such a similar condition can be reimposed in this respect, with the already agreed site preparation works included within it.

#### Summary

- 8.61 Subject to the described conditions and the same S106 requirements which are separately controlled, the amended proposal remains acceptable and policy compliant in the above regards.

#### **Drainage**

- 8.62 The Development Brief for the site states “Surface water drainage should adopt SuDS principles and should be an integral part of the landscaping scheme.”
- 8.63 The information submitted with the original outline permission, within the Flood Risk Assessment (FRA) sought to utilise SuDS and indicates that there will be a reduction in peak runoff rates discharging from the site with full details of the drainage systems to be decided at detailed design stage.
- 8.64 This amendment application seeks to alter the location of the SuDS. This application seeks to reposition the SuDS features from the north of the site to within the SM buffer area with a small area of SuDS to the north-western boundary of the site. The Lead Local Flood Authority (LLFA) have raised no objection to this change, subject to a drainage condition requiring a drainage strategy and plans to be submitted, as previously required on the original outline permission. Subject to this condition, the amended proposal is acceptable and policy compliant in this respect.

#### **Ecology**

- 8.65 Paragraph 187 of the NPPF states “Planning policies and decisions should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, site of biodiversity or geological value and soils...recognising the intrinsic character and beauty of the countryside...minimising impacts on and providing net gains for biodiversity...”

#### RAMS

- 8.66 The application was considered in the substantive outline permission. The necessary RAMS tariff is secured via the relevant mechanism within the S106 and is not sought to be changed as part of this outline application.

#### Biodiversity Net Gain (BNG)

- 8.67 The substantive outline application was determined prior to the now mandatory Biodiversity Net Gain requirements. As part of the original outline permission, and as secured via the S106 agreement, 10% biodiversity net gain was secured. This has since been subject to an approved 2023 Deed of Variation and is subject to a second proposed Deed of Variation which is to be considered on its own merits separately to this amendment application. The revised proposal remains acceptable in this regard.

#### Protected Species

- 8.68 The substantive outline planning permission was accompanied by an Ecological Assessment and in determining that application the impact of the proposal on protected species was fully considered, this included the impact on bats, great crested newts, breeding birds, reptiles, badgers and invertebrates. This application in as far as it seeks to alter: the location of the SuDS on the site; key frontage areas; key pedestrian and cycle routes within the site, the position of the 3m no build zone each side of the foul

sewer on site; the position of the public open spaces and emergency access change; would not alter these findings as outlined in more detail below.

8.69 The Agent has explained that the tree belts' modification allows for better visual and physical integration of the site and confirms they were not required for BNG or landscaping. The Agent has explained that the two moderate quality trees needed to be removed to enable the construction of the dwellings, due to the reptile trapping exercise and to enable knotweed clearance.

8.70 The impacts on protected species are considered in more detail below.

#### Bats

8.71 The Ecological Assessment Report submitted with the outline application identified that there were 7 trees on site which were identified as having supporting features capable of providing roosting opportunities for bats, which included two moderate quality oak trees since removed for other technical reasons explained in paragraph 2.8 above. They were trees T2 and T3 in the original Tree Report. T2 was identified as having high suitability to support a bat roost whereas T3 had low suitability to support a roost.

8.72 Condition 27 of the substantive outline permission required, amongst other things, prior to the felling of any trees that have potential to support roosting bats, additional bat surveys of such trees be undertaken, submitted to and approved in writing by the local planning authority. Whilst the loss of one tree that had high suitability to support a roost is noted, the amended proposal, including the loss of these 2 trees would not result in any significant harm to bats overall given that the original application included a requirement (within condition 27), and which can be carried forward with any permission now granted, to provide full details of bat boxes to be provided at the site. In this respect, a new informative is recommended clarifying that this Council expects the number and quality of bat boxes proposed to ensure a net uplift in potential roosts for bats across the entire site, given this loss. The Agent has also since confirmed when these two trees were removed as part of the reptile trapping exercise, an ecologist was present on the site, the trees were subject to a full survey and no bat roosts were identified within these trees.

#### Great Crested Newts

8.73 None of the changes proposed would impact the great crested newt findings as open spaces to the south are retained which could be suitable habitats for great crested newts within the site. Condition 27 of the substantive outline permission required, amongst other things, habitat for great crested newts to be retained and provided within the public space to the south of the site. Subject to this same requirement, secured via condition, the amended proposal is acceptable and policy compliant in this respect.

#### Breeding Birds

8.74 It was previously concluded that the loss of existing breeding bird habitat will be compensated for with the retention of informal open space to the south of the site, tree and scrub planting as part of the landscape scheme, new wetlands habitat in the form of SuDS areas and a range of bird boxes installed to provide continued opportunities for species already present on site, as well as opportunities for new species. In the same way as for the substantive outline planning permission, mitigation in the form of bird boxes and full planting and landscaping details can continue to be secured at reserved matters and/or condition discharge stage. Condition 27 also restricted vegetation clearance to be undertaken outside of the bird breeding season (September to November inclusive), unless the vegetation has been checked by a suitably qualified ecologist for active bird nests first and if any active nests are identified, the nests shall be left intact until the young have fledged. This same condition can be re-imposed here. The proposed amendments therefore have no impacts in this respect, subject to the



same conditions.

### Reptiles

- 8.75 The substantive outline permission required mitigation including the maintenance and management of retained habitat to the south of the site to provide on-going habitats for reptiles and required the translocation of reptiles to a suitable receptor. Details were approved under application ref. 23/01188/AD for part 6 of condition 27, which relates to the reptile mitigation strategy; it required no development to be undertaken until details of any required translocation of reptiles from parts of the site to suitable receptor areas or sites to be submitted to and agreed by the Local Planning Authority. The information submitted for the 2023 approval of details application included the use of capture and exclusion for the translocation of the existing population of common lizard and grass snakes to a suitable, enhanced receptor site, with exclusion from the development with appropriate fencing. The enhanced receptor area constitutes 2 reptile hibernacula (underground chambers that amphibians and reptiles use throughout the winter to protect themselves from the cold) to the south of the site. Parks and Historic England raised no objection to this proposal and the scheme was therefore agreed under that approval of details application. Condition 27 can be suitably updated to reflect this approval, but otherwise remains the same.
- 8.76 As such, given the nature of the changes, the amended proposal, subject to the same/updated conditions as were previously imposed, would not result in any harm to reptiles in any relevant regards.

### Badgers

- 8.77 Essex Badger Protection Group has submitted a holding objection and have requested that the ecological position is reassessed. The substantive outline planning permission was granted subject to a condition (condition 27) requiring the development to be undertaken, completed and operated in accordance with the findings and recommendations of the Ecological Assessment Report, Badger Survey and the Updated Extended Phase 1 Habitat Survey.
- 8.78 Paragraph 6.1.6 of the approved Badger Survey submitted with the substantive outline permission states “It is expected that a further update badger survey will be required to support a reserved matters application. It will be necessary to undertake a badger sett survey prior to/during Site clearance (to confirm presence/absence of any additional badger sett(s) within areas of dense scrub, it will be necessary for these areas to be cleared under watching brief). Any application to Natural England for a sett interference licence may require a further update sett survey/sett inspection.”
- 8.79 The Agent has stated that updated survey work has been undertaken as part of the Reserved Matters application and that is not intended to amend the badger strategy. The previous ecology and badger reports identified the need to close a small outlying badger sett within the site, which would require a sett interference license from Natural England. It was concluded that given the low status of the sett (a small, outlying sett) with evidence of the group’s main sett outside the site, the licensed closure of this sett would have little or no impact on badgers.
- 8.80 As such, subject to the same requirement, that the amended proposal is undertaken in accordance with these reports, which can be secured by condition, it is not necessary to require the submission of updated ecology report(s) at this stage and given the nature of the changes hereby proposed. Instead, such updates would be expected at reserved matters stage.
- 8.81 The proposed amendments to the outline permission hereby sought, as set out in section 2 above are not considered to materially alter the position in terms of badgers previously set out in any relevant regards.

### Invertebrates

- 8.82 Reports submitted with the substantive outline permission set out mitigation in the form of a landscaping scheme, retained open space to the south, use of native planting, provision of new habitats not currently on site such as wetland areas (SuDS) and provision of insect boxes. Subject to the same condition previously imposed in respect to ecology, given the nature of the changes proposed as part of this amendment application, the development would similarly not have a significant impact on invertebrates in any relevant regards and is acceptable and policy compliant in this respect.

### Protected Species Summary

- 8.83 In summary, the changes hereby sought, subject to the imposition of the same ecology conditions imposed on the substantive outline permission, would not have a significant impact on protected species at the site in any relevant regards.

### **Developer Contributions**

- 8.84 The outline planning permission was subject to a S106 Legal Agreement which secures the following heads of terms:

- 30% units of affordable housing to be provided on site with a 60/40 (social/affordable rent/shared ownership) tenure split based on 131 units which would be 40 affordable units (24 of which would be social/affordable rent and 16 of which would be shared ownership).
- A financial contribution towards secondary education at Chase High School or another secondary school within acceptable travel distances (of £368,290.33 although the final amount required depends on the final number of units and final dwelling mix at reserved matters stage).
- RAMS payment (of £16,676.30, but which will depend on the final number of units at reserved matters stage).
- Highways contributions including Travel Plan, £1,000 per year for 5 years for travel plan monitoring and Travel Packs
- Developer to work with a bus company to provide an enhanced bus service for a minimum of 3 years which runs at least half-hourly Monday to Friday 07:00 – 20:00, at least half-hourly Saturdays 07:30 – 20:00 and at least hourly on Sundays and on bank and public holidays 09:00 – 19:00 and which must be up and running before the first unit is occupied and must link the Site and Southend-on-Sea City Centre.
- £10,000 contribution towards investigations into and minor works to local cycleways.
- 1x Car Club Vehicle and Space which must be served by an electric charging point.
- Applicant is required to transfer the SM land within its ownership to the Council prior to commencement of the development.
- The applicant is required to pay a proportion of 7% of the costs required for the implementation of the SAM Archaeological Conservation Management Plan (2020) drafted by Orion or any subsequent variation of this which has been agreed with the Local Planning Authority.
- Mitigation to be provided to ensure the net loss of biodiversity at the site, as a result of this development.
- Residential use through the release of restrictions imposed in the S106 agreement dated 8th January 2004.
- £10,000 for the monitoring of the S106 Agreement.

- 8.85 The Paragraph 7.13 of the S106 sets out:

7.13 In the event that an application is made pursuant to Section 73 of the Act for an amendment to the Planning Permission and planning permission is granted in respect of that application references to Planning Permission in this Deed shall be to the new planning permission granted pursuant to Section 73 of the Act and this Deed shall apply to and remain in full force in respect of that new planning permission without the need for a further agreement to be entered into pursuant to Section 106 of the Act PROVIDED ALWAYS THAT nothing in this clause shall prevent the Council from deciding in determining any such Section 73 application that the issue of any planning permission under Section 73 as aforesaid should be subject to prior completion of a supplemental deed pursuant to Section 106A of the Act and/or other relevant powers.

8.86 As such, the S106 relating to the outline permission would equally apply to the current S.73 material amendment application. BNG requirements have been previously updated by a Deed of Variation ref. 23/01656/DOV and the BNG S106 requirements are sought to be amended again under ref. 24/02032/DOV, which forms a separate consideration. The first Deed of Variation (ref. 23/01656/DOV) also added a clause to the S106 agreement to allow the developer a right of access onto the SAM transferred land for the purpose of implementation of the planning permission and to undertake works within the SAM buffer area. The amended proposal remains acceptable and policy compliant in this respect.

### **Other Matters**

8.87 As set out above, given the nature of the amendments and changes hereby sought, subject to the same conditions previously imposed, as updated by the partial discharge of conditions already agreed as set out in Section 3 of the report above, the amended development remains acceptable and policy compliant in all other relevant regards, including in terms of the principle of the development, sustainability, flood risk and highways.

### **Community Infrastructure Levy (CIL)**

8.88 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. As this is an amendment to an outline application, the CIL amount payable will be calculated on submission of a reserved matters application when the floorspace figures will be confirmed.

### **Equality and Diversity Issues**

8.89 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 had careful regard to the requirements of the Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

## Conclusion

- 8.90 For the reasons outlined above the proposed amendments to the substantive outline planning permission are acceptable and policy compliant in all relevant regards, subject to the S106 agreement already in place and/or as may subsequently be modified under the Deed of Variation application subject of the separate officer report on this agenda and the same, or very similar planning conditions set out within this report. Having taken all material planning considerations into account, subject to compliance with the attached conditions and the completed S106 agreement, the amended development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance.
- 8.91 This proposal seeks to amend an extant permission which creates a significant amount of new housing and which provides policy compliant affordable housing. Therefore, if Members identify any harm, it is necessary to demonstrate that in reaching a decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a significant 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 NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The amended proposal would make a significant contribution to the housing needs of this City which must be given increased weight in the planning balance and no harms which outweigh this benefit have been identified. This application is therefore recommended for approval subject to conditions and the S106 legal agreement.

## 9 Recommendation

**GRANT PLANNING PERMISSION subject to the following conditions and subject to the S106 Legal Agreement dated 30 September 2022 and previously signed pursuant to outline permission ref. 20/00337/OUTM which due to its wording, carries forward with this S.73 application, subject to the changes in the previous Deed of Variation (ref. 23/01656/DOV) dated 10 July 2024 and as may be subsequently amended under Deed of Variation ref. 23/01656/DOV which is to be considered separately:**

### *General Conditions*

**01. Details of the appearance, layout, scale and landscaping, (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 30<sup>th</sup> September 2025. The development hereby permitted shall begin not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.**

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

**02. The development hereby approved shall be carried out in accordance with the approved plans and parameter plans: Location Plan: 12605\_ACQ\_Rev B *Parameter Plans: CB\_11\_321\_PARAM\_001 Rev A (Framework Parameter Plan), CB\_11\_321\_PARAM\_002 Rev A (Land Use Parameter Plan), CB\_11\_321\_PARAM\_003 Rev A (Green Infrastructure Parameter Plan), CB\_11\_321\_PARAM\_004 Rev A (Building Heights Parameter Plan), CB\_11\_321\_PARAM\_005 Rev A (Density Parameter Plan), CB\_11\_321\_PARAM\_006 Rev A (Access and Movement Parameter***

Plan).

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

*Heritage related conditions*

**03.** The details of the archaeological written scheme in as far as they relate to the initial site preparation works only shall be undertaken in strict accordance with the details previously submitted to and approved in writing by the Local Planning Authority under the terms of approval of details application ref. 24/00294/AD or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Other than the approved preliminary and site preparation works, no development shall take place unless and until a full archaeological written scheme of investigation for a programme of archaeological work including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered for any works, has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The approved archaeological written scheme of investigation / watching brief and measures shall be undertaken throughout the course of the works affecting below ground deposits in full accordance with the details approved under this condition and are to be carried out by a suitably qualified archaeologist. The subsequent recording and analysis reports shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied or first brought into use.

**Reason:** This condition is justified to allow the preservation by record of archaeological deposits and to provide an opportunity for a watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

**04.** The details of the protection measures for the Prittlewell Camp Schedule Monument in as far as they relate to the initial site preparation works only shall be undertaken in strict accordance with the details previously submitted to and approved in writing by the Local Planning Authority under the terms of approval of details application ref. 24/00294/AD or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Other than the approved preliminary and site preparation works, no development shall take place unless and until full details of the protection measures proposed for the Prittlewell Camp Scheduled Monument and the Scheduled Monument Buffer during construction of the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved Scheduled Monument and Scheduled Monument Buffer protection measures shall be provided prior to commencement of the development and shall be retained in situ for the entire construction period.

**Reason:** This condition is justified to protect the Scheduled Monument in the interests of archaeology and the character, appearance and setting of the Scheduled Monument in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

*Design and related conditions*

**05. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until full details, specifications and appropriately sized samples of the materials to be used for all external surfaces of the proposed buildings, including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascias and balconies, have been submitted to and approved in writing by the Local Planning Authority, under the provisions of this condition. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.**

**Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).**

**06. The details of the site levels in as far as they relate to the initial site preparation works only shall be undertaken in strict accordance with the details previously submitted to and approved in writing by the Local Planning Authority under the terms of approval of details application ref. 24/00246/AD or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Other than for the approved preliminary and site preparation works, no development shall take place on site unless and until full details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the works permitted by this permission, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use.**

**Reason: This condition is required in the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).**

*Landscape conditions*

**07. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than ground and site preparation works, unless and until there has been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition, a scheme of hard and soft landscaping for the site and a landscaping phasing plan setting out the timescales for the implementation of the hard and soft landscaping. This shall include full details of:**

- i) Details of the trees to be retained,**
- ii) The number, size and location of the trees and shrubs to be planted together with a planting specification,**
- iii) Existing and proposed finished levels and contours,**
- iv) Details of measures to enhance biodiversity within the site,**
- v) Details of the treatment of all hard and soft surfaces, including all means of enclosing the site,**
- vi) Details of any minor artefacts and structures,**
- vii) Full details of the play equipment, benches and associated facilities proposed.**
- viii) A timetable for the completion of the hard and soft landscaping and planting.**

**All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. Any 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, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

**08.** The area of Public Open Space for the development hereby approved and as defined on the Land Use Parameter Plan (CB\_11\_321\_PARAM\_002 Rev A) shall be provided in full accordance with the details shown in the Land Use Parameter Plan and made accessible to the public in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority under the terms of this condition, prior to the first occupation of any residential units.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

**09.** The details of the tree protection measures in as far as they relate to the initial site preparation works shall be undertaken in strict accordance with the details previously submitted to and approved in writing by the Local Planning Authority under the terms of the approval of details application ref. 24/00246/AD or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Other than for the approved preliminary and site preparation works, no development shall take place unless and until full details of all tree protection measures at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved tree protection measures shall be fully installed before the commencement of any works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.

**Reason:** This condition is justified in the interest of the visual amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

*Living Conditions related conditions*

**10.** Prior to the first occupation of the dwellings hereby approved, a Noise Impact Assessment shall be conducted by a competent person to assess the potential impact of existing commercial, industrial, leisure and transport infrastructure on the proposed dwellings, which must include any necessary mitigation measures required for the proposal and which shall be submitted to and approved in writing by the Local Planning Authority under the terms of this condition prior to the first occupation of the dwellings hereby approved. Any agreed mitigation shall be installed and maintained as such in perpetuity prior to the first occupation of the dwellings hereby approved.

The internal and external areas of the dwellings are to be protected from external noise in accordance with British Standard BS8233:2014 and the current Noise Policy Statement for England. The internal ambient noise levels shall not exceed the guideline values in British Standards BS8233:2014 Table 4.

For steady state noise internal ambient noise levels shall not exceed:

07:00 to 23:00

- Resting - Living room 35 dB LAeq,16hour
- Dining - Dining room/area 40 dB LAeq,16hour

- Sleeping/Daytime Resting - Bedroom 35 dB LAeq,16hour  
23:00 to 07:00
- Sleeping/Night-time Bedroom 35 dB LAeq,8hour

External areas shall be designed and located to ensure that private amenity areas are protected on all boundaries as to not exceed 55 dB LAeq,16hr.

No dwelling shall be first occupied unless and until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority under the terms of this condition. A method statement should be submitted to and approved by the Local Planning Authority under the terms of this condition prior to the survey being undertaken. The requirement for 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 Planning Authority and implemented in full prior to the first occupation of the dwellings hereby approved.

Where it is necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

- The alternative means of ventilation will enable optimum living conditions for heating and cooling in all weather and with reference to climate change prediction
  - Noise from the system will not present an adverse impact on occupants.
- The approved alternative means of internal thermal regulation shall be maintained thereafter.

Reason: To mitigate noise in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

11. Prior to the first use of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

The submitted strategy shall include details of which plots on site and which windows on each plot require obscure glazing. The openings that are identified as needed to be glazed in obscure glass, shall only be so with the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by the window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale. The agreed obscure glazing shall be retained for the lifetime of the development.

Reason: To ensure the development has an acceptable design and protects the amenities of occupiers of the new development and in adjoining properties in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

12. Notwithstanding the details shown in the plans submitted and otherwise hereby approved, none of the buildings hereby approved shall be occupied unless and until plans and other appropriate details have been submitted to and approved in writing by



the Local Planning Authority, which specify the size, design, obscurity, materials and location of all privacy screens to be fixed to the proposed buildings. Before any buildings hereby approved are occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such for the lifetime of the development.

**Reason:** In the interests of residential amenity and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2024), 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. No development above ground floor slab level shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.**

**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 (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

**14. The development hereby approved shall be undertaken in strict accordance with the mitigation measures as set out in Parts 6.1 and 6.2 of the Air Quality Assessment by Stantec reference 45085/3004 dated January 2020 or any other mitigation measures that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

**Reason:** In the interest of air quality and residential amenity in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), and the advice contained within the National Design Guide (2021) and Southend-on-Sea Design and Townscape Guide (2009).

### *Contamination*

#### **15. A. Site Characterisation**

**No development other than site preparation works shall take place until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:**

- (i) a survey of the 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, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;**

#### **B. Submission of Remediation Scheme**

**No development other than site preparation works shall take place until and unless a detailed remediation scheme to bring the site to a condition suitable for the intended use 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. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a 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. Implementation of Approved Remediation Scheme**

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to 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 it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must cease on that part of the site. An assessment must be undertaken in accordance with the requirements of Part A of this condition 15 and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

#### **E. Long Term Monitoring and Maintenance**

E1) No development shall take place until a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same, have both been submitted to and approved in writing by the Local Planning Authority.

E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority as above.

**Reason:** This pre-commencement condition is justified 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, or wildlife and to ensure that the development does not cause pollution to Controlled Waters in accordance with National Planning Policy Framework (2024), Core Strategy (2007) Policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

16. No part of the development hereby approved above ground floor slab level shall be undertaken unless and until a Light Assessment to include full details of all external lighting at the site and a programme setting out the timescale for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained for the lifetime of the development.

**Reason:** In the interest of the safety, including transport safety, the visual amenities of the area and in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2024), policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

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

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

*Parking and Highways*

**18. The Construction Environmental Management Plan in as far as it relates to the initial site preparation works only shall be undertaken in strict accordance with the details previously submitted to and approved in writing by the Local Planning Authority under the terms of approval of details application ref. 24/00246/AD or any other details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms under the terms of this condition. Other than for the approved preliminary and site preparation works, no development shall take place on the site unless and until a full Construction Environmental Management Plan, Strategy and Method Statement has been submitted to, and approved in writing by the Local Planning Authority under the terms of this condition. The approved Construction Environmental Management Plan and Strategy shall be adhered to in full throughout the development's construction period. The Statement shall provide, amongst other things, for:**

- **Construction Traffic Strategy**
- **Noise and Dust Mitigation Strategies and plans to include measures to control the emission of dust, dirt and noise during construction and boundary particulate monitoring during demolition and construction.**
- **The parking of vehicles of site operatives and visitors**
- **Loading and unloading of plant and materials**
- **Storage of plant and materials used in constructing the development**
- **The erection and maintenance of security hoardings**
- **Scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**
- **Details of the duration and location of any noisy activities and measures to mitigate this.**
- **A scheme to minimise the risk of off-site flooding and to prevent pollution caused by surface water run-off and groundwater during construction works.**
- **A scheme to minimise the impact of the construction on ecology and to protect habitats from impacts including accidental pollution or dust-settling.**

**Reason: This condition is justified in the interest of highway safety, ecology and amenity of the area in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).**

**19. Notwithstanding the information and plans submitted and otherwise hereby approved, the development shall not be first occupied unless and until a minimum of 1 covered, secure, safe and conveniently located cycle parking space per dwelling has been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their visitors.**

**Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).**

**20. The development hereby approved shall not be first occupied unless and until at least**

two (2) off-street car parking spaces for each permitted house with 2 or more bedrooms and at least one (1) of street parking space for each permitted flat or dwellinghouse with 1 bedroom have been provided and made available for use in accordance with full details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The parking spaces shall thereafter be permanently maintained solely for the parking of occupiers of and visitors to the development.

**Reason:** To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

21. Notwithstanding the information and plans submitted and otherwise hereby approved, no part of the development hereby approved shall be first occupied or brought into first use unless and until a car parking management plan has been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The car parking at the site shall be managed in accordance with the plan approved under this condition from first occupation of the scheme and thereafter for the lifetime of the development.

**Reason:** To ensure adequate car parking in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

22. Notwithstanding the information and plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied unless and until full details of the vehicle, cycle and pedestrian routes within the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Prior to the first occupation of the development hereby approved, the approved vehicle, cycle and pedestrian routes within the site shall be provided and made available for use in accordance with the approved details and retained for the lifetime of the development.

**Reason:** In the interests of sustainability and the developments and surrounding area's permeability in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

#### *Waste management*

23. The development hereby approved shall not be first occupied unless and until a waste servicing plan to include servicing and delivery details and swept path analysis has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be undertaken and thereafter operated and managed only in strict accordance with the approved waste servicing plan from its first occupation for its lifetime .

**Reason:** To ensure that the development provides adequate servicing in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

24. The dwellings hereby approved shall not be first occupied unless and until full details of refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling stores shall be provided and made available for use in accordance with the

approved plans and details prior to the first occupation of the dwelling(s) to which they relate and shall be retained as such for the lifetime of the development.

**Reason:** To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

#### *Flooding and Drainage*

**25. No drainage infrastructure associated with this planning permission shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of the development hereby approved and shall be retained for the lifetime of the development.**

**Reason:** To ensure satisfactory and sustainable drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

**26. The development hereby approved shall be implemented in strict accordance with the flood mitigation strategy as outlined at paragraph 6.1 of the Flood Risk Assessment by Stantec reference 45085/4001 Rev B dated 22<sup>nd</sup> January 2020 or any other flood mitigation strategy that has previously been submitted to and approved in writing by the local Planning Authority under the terms of this condition prior to its first occupation and operated in accordance with the requirements of the same documents in perpetuity thereafter.**

**Reason:** To ensure satisfactory flood mitigation of the site in accordance with the National Planning Policy Framework (2024), Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

#### *Ecology related conditions*

**27. The development hereby approved shall be undertaken, completed and operated in accordance with the findings, recommendations and mitigation measures contained within the Ecological Assessment Report by Stantec ref. 45065 dated September 2019, the Badger Survey by Stantec ref: 332110065 dated July 2021, and the Technical Note – Updated Extended Phase 1 Habitat Survey by Stantec ref. 332110065 dated 26<sup>th</sup> July 2021 (or any amendment approved under the provisions of this condition by the Local Planning Authority) which includes, but is not limited to, the following habitat mitigation measures being required:**

- **Prior to the first occupation of the development hereby approved, full details of the number, types and locations of the bird boxes, bat boxes and insect boxes to be provided shall be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. The development shall not be first occupied unless and until the approved bird, bat and insect boxes have been provided in accordance with the details approved under this condition.**

- During construction any trenches 1m or deeper shall be covered and secured with an escape provided and any open pipes shall be capped to prevent badgers and other animals becoming trapped.
- Prior to the felling of any trees that have potential to support roosting bats, additional bat surveys of such trees shall be undertaken, submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall thereafter be undertaken only in accordance with the approved details.
- Habitat for Great Crested Newts and for Reptiles shall be retained and provided within the open space to the south of the site shown on drawing ref 6702\_300F in accordance with details and timescales that have been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved.
- All vegetation clearance shall be undertaken outside the bird breeding season (September to November inclusive) unless the vegetation has first been checked by a suitably qualified ecologist for active bird nests. If any active nests are identified, the nests shall be left intact until the young have fledged.
- The reptile Mitigation Strategy (which included details of the required translocation of reptiles from the site to a suitable receptor site) shall be undertaken in strict accordance with the details approved under approval of details application ref. 23/01188/AD or any other details that have previously been submitted to and approved in writing by the Local Planning Authority, under the provisions of this condition.

**Reason:** This condition is required in the interest of biodiversity protection, mitigation and enhancement in accordance with National Planning Policy Framework (2024) and 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).

*Energy and water sustainability*

**28.** Prior to the first occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from on-site renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority under the provisions of this condition and implemented on site in full accordance with the agreed details.

**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 (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

**29.** The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Southend-on-Sea Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

**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 (2024), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

*Airport related conditions*

**30.** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place, unless and until confirmation that the development complies with the relevant Instrument Flight

**Procedures of the Airport Authority and confirmation that the development complies with the European Union Authority for Aviation Safety (EASA) lighting and renewable energy requirements has been submitted to and approved in writing by the Local Planning Authority in consultation with the Airport Authority under the terms of this condition.**

**Reason: In the interests of aviation safety in accordance with Development Management Document (2015) Policy DM4.**

*Additional Highways Condition*

**31. The development shall not be first occupied unless and until at least one car parking space available for the car club car and one space per residential unit have been fitted with active provision of an electric vehicle charging point in line with the requirements of the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021). Prior to first occupation all remaining spaces shall have been fitted with passive provision of electric vehicle charging infrastructure. The infrastructures required by this condition shall be maintained and retained for the benefit of future users and occupiers and visitors of the approved development for the lifetime of the development.**

**Reason: To ensure the provision of adequate electric vehicle charging infrastructure in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policies DM3, DM8 and DM15 and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).**

*Positive and Proactive Statement*

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

*Informatives*

- 01. Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)).**
- 02. 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.**
- 03. In line with the Essex Police consultation response, the applicant is encouraged to liaise with the Essex Police - Designing out Crime office and is encouraged to achieve a Secure by Design (SBD) accreditation.**
- 04. Due to the distance to the nearest existing statutory fire hydrant, it will be necessary for fire hydrants to be installed within the curtilage of the proposed site.**

**You should consult with the Essex Fire Authority and the Water Authority to ensure all necessary fire hydrants are provided. If a fire appliance is unable to gain access to within 45 metres of all parts of a new dwelling, as required by the Building Regulations 2010 Approved Document B, an alternative solution may be required such as an Automatic Water Suppression System (AWSS) incorporated into the building design.**

- 05. As part of any reserved matters application, the applicant is encouraged to explore all possibilities of providing a direct pedestrian link from the site to the bus stop located on Fossetts Way.**
- 06. Any works on the public highway will need to be carried out under a Section 278 agreement and the adoption of any public highways, if deemed appropriate, will need to be carried out under Section 38.**
- 07. The applicant is advised, in the submission of any Reserved Matters to consider including visitor parking within the development, given the site's relationship with the Scheduled Monument, which has potential to attract people who do not live on the site to visit the site.**
- 08. The applicant is advised that at Reserved Matters stage, a full Daylight and Sunlight report will be required to be submitted with such application(s).**
- 09. Once the final heights of the buildings are confirmed an Instrumental Flight Procedure (IFP) Assessment may be required. London Southend Airport is happy to engage with the developer on this. The development must be EASA compliant from a lighting and renewable energy point of view.**
- 10. Further to condition 25 of this planning permission, the following additional SuDS/Drainage information will be required as a minimum:**
  - 1. Soakaway testing covering different areas of the site to be provided by the applicant to confirm the hierarchy of disposal and maximise opportunities from infiltration (partial or total) across the site;**
  - 2. An illustrative management train with different options is considered in the FRA. The applicant to confirm the selected options;**
  - 3. The greenfield runoff rate to be calculated based on the positively drained (impermeable and permeable) areas only instead of the total site area;**
  - 4. Evidence of approval from AW to be provided by the applicant in relation to the new sewer requisition in Fossett's Way and any other drainage element to be offered for adoption.**
  - 5. Flow Control types and locations not shown on plan;**
  - 6. Exceedance paths not shown on plan;**
  - 7. The applicant has not presented a phasing plan as part of the submission;**
  - 8. The applicant has not presented any health and safety risks as part of the submission;**
  - 9. Surface water treatment is briefly mentioned within descriptions of SuDS features that may be incorporated into the detailed design proposals but has not outlined a treatment strategy (e.g. SuDS Manual Simple Index Approach (SIA));**
  - 10. The applicant has presented no evidence that the land south of the proposed site has been considered in the site surface water drainage proposals. The applicant should ensure that the soft landscaped area to the south and east of the site boundary are taken into consideration as potential catchment areas that should be accounted for within hydrological modelling;**
  - 11. The applicant should consider structural design for drainage infrastructure following appropriate guidance for the detailed design stage planning submission;**
  - 12. The applicant should consider appropriate materials and products for their intended use during the detailed design stage planning submission.**



- 11. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.**
- 12. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.**
- 13. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087**
- 14. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.**
- 15. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.**
- 16. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.**
- 17. Essex and Suffolk Water will require a water connection for the new dwellings is made onto their Company network for revenue purposes.**
- 18. You are advised that any archaeological finds should be deposited with Southend Museums and you are encouraged to contact Jools Maxwell - Curator Archaeology (email [JoolsMaxwell@southend.gov.uk](mailto:JoolsMaxwell@southend.gov.uk)) in order to confirm charges for this and other procedural matters in relation to archaeology.**
- 19. The applicant should note that the number and quality of bat boxes proposed across the site should ensure that there is a net uplift in potential roosts for bats across the site.**