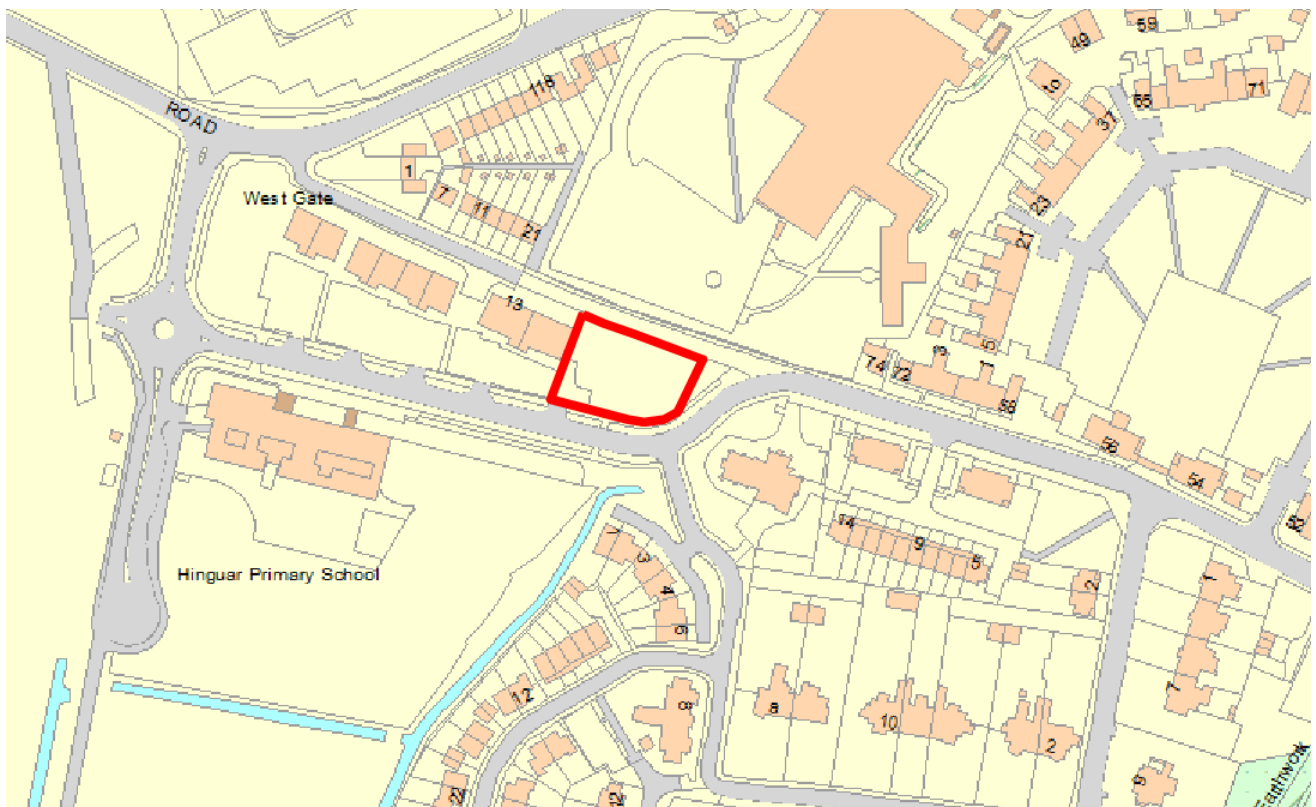


Reference:	16/00857/FUL
Ward:	Shoeburyness
Proposal:	Erect four two storey dwellinghouses with associated parking and amenity space
Address:	Land adjacent to 10 - 11 New Garrison Road, Shoeburyness Southend-on-sea, Essex, SS3 9BF
Applicant:	The Garrison LLP
Agent:	APS Design Associates Ltd.
Consultation Expiry:	12.01.2016
Expiry Date:	27.01.2016
Case Officer:	Janine Rowley
Plan Nos:	01; 04; 05; 06; 07
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to erect four 2 storey dwellinghouses with associated parking and amenity space.
- 1.2 The two pairs of semi-detached dwellings are each 21.2m wide x 9m deep x 8.5m-9.5m high. The dwellings would be constructed from yellow stock brick, aluminium windows, slate roofs and white render.
- 1.3 The dwellings would include the following internal floorspace and amenity areas to the rear (north of the site):

House	Bedrooms	Internal Floorspace	Garden
1	4 bed	119sqm (excluding garage)	144sqm
2	4 bed	119sqm (excluding garage)	139sqm
3	4 bed	119sqm (excluding garage)	117sqm
4	4 bed	119sqm (excluding garage)	119sqm

- 1.4 A single integral garage is proposed per dwelling with one off street parking space in addition. The amenity space is located to the rear of each dwelling.
- 1.5 It should be noted this application has been submitted following the refusal of application 15/01997/FUL. The application was refused by Development Control Committee on the 2nd March 2016 for the following reason:

“The proposal would result in the loss of land for employment use, the loss of which has not been sufficiently justified. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1, Policy DM11 of the Development Management Document DPD2, which seek to promote building a strong, competitive economy”.

- 1.6 The overall design, scale, parking and amenity space remains unchanged from the previously refused application. However, the applicant has submitted an updated viability and marketing letter from Ayres and Cruicks and an Employment Land Statement that will be discussed in detail below.

2 Site and Surroundings

- 2.1 The site is located on the northern side of New Garrison Road and is currently vacant. To the west of the site are offices and Hinguar School. To the east of the site is Garrison Church a grade 2 listed building and the Shoebury Garrison Conservation Area. To the north of the site are industrial units.
- 2.2 There are residential properties to the south of the site in St George’s Lane, semi-detached over two storeys.

- 2.3 The site is designated by the Development Management Document as with an Employment Land Area and is within flood risk Zone 3 (high risk).

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, flood risk, design, traffic and parking issues, impact on neighbouring properties, living conditions for existing/future occupiers, CIL, sustainable construction, SUDs and CIL requirements and whether the proposal has addressed the previous reason for refusal of application 15/01997/FUL.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, KP2, CP4, CP8; DPD2 (Development Management) policies DM1, DM3, DM7, and the Design and Townscape Guide SPD1 (2009)

Employment

- 4.1 The site is located on land that has not been previously developed. The core planning principles of the NPPF include:

“To encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

- 4.2 The existing site is currently vacant and has been designated as employment land by the Development Management Document DPD2.
- 4.3 Policy CP1 of the Core Strategy states that permission will not normally granted for development proposals that involve the loss of existing employment land unless it can be clearly demonstrated that the proposals will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.4 The site is located within an area that is promoted as a location for increased modern employment floorspace as set out in policy DM11 of the Development Management Document DPD2.

- 4.5 Part 2 of policy DM11 of the Development Management Document DPD2 states that the Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas as designated on the policies map, in which this site is located. The policy states: *“Proposals that fall outside of a Class B employment use will only be granted permission where:*
- *A the development proposal is a ‘sui generis’ use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or*
 - *B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which sets out other appropriate uses; or*
 - *C. it can be demonstrated to the Council’s satisfaction that: i. there is no long term or reasonable prospect of the site concerned being used for Class B purposes.(2 year marketing exercise); and ii. the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and iii. the alternative use cannot be reasonably located elsewhere within the area it serves**; and iv. the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking; or*
 - *D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate’s working population and will not result in a material change to the Class B character and function of the area.*
- 4.6 The applicant states within the planning update statement *“Policy DM11 of the adopted Development Management Document allows for development of employment sites where it can be demonstrated to the Councils satisfaction that there is no long term or reasonable prospect of the site concerned being used for Class B purposes. This is subject to the Councils approach which should be to actively market the land for a 2 year period. However, this is not mandatory and discretion can be used in relevant circumstances. The refused application 15/01997/FUL is one such site specific circumstance”.*
- 4.7 The application is accompanied by a viability and marketing report prepared by Ayers and Cruicks, a planning statement and employment land statement.
- 4.8 The market and viability report accompanying this application states *“that there is no demand for the application land for Class B1 purposes nor would any development for such a use be viable... whilst there is a market in Shoeburyness for commercial properties this is restricted to existing stock, as the development of new build commercial properties is not a viable proposition given the low rental values that are achievable and the high cost of construction”.*

4.9 A telecom company occupies the unit to the immediate west of the site. The west-most unit has been occupied by Sainsburys and the centre building remains vacant, although it is noted a current application 16/00889/FUL is currently pending consideration to change the use from offices to six dwellinghouses. The gateway building as approved by the Garrison Masterplan (00/00777/OUT) and Chapel End building where this site is located have not been constructed and application 11/00892/DOV sought to modify the planning obligation (S106 agreement) dated 6th February 2004 pursuant to application 00/00777/OUT to remove the obligation to speculatively build any more Class B1 (business) employment space beyond that which has already been delivered.

4.10 The applicant has submitted an additional statement following the refusal of application 15/01997/FUL discussing how the Phase 1 Garrison employment space has remained vacant and Phase II Garrison 14/00556/OUTM has identified 15000sqm would meet the needs for Shoebury, which was granted permission in March 2016 by Development Control Committee. In addition, the updated supporting information from Ayers and Cruiks provides further information on the commercial market in Shoeburyness. A number of sites in the Towerfield Industrial have been identified with floorspace ranging from 3,320sqft to 35,499sqft, for B1, B2 and B8 uses as identified by the Development Management Document available for potential occupiers. Of particular relevance is land available at no. 39 Vanguard Way with an area of 0.8 acres and 34,499sqft, which is 'for sale' and 'to rent'. The letter further states the land in Vanguard Way has been marketed since 2012 with no interest for development, or storage. In addition, there remains land available at Temple Farm industrial site and have had permission for factory premises but remains undeveloped as it suggests the market in Southend is not strong enough to support a speculative development project. In light of the above, there is a surplus of industrial land available and the loss of this development would not compromise businesses wishing to locate to the area particularly Shoebury.

4.11 The Ayers and Cruiks supporting letter concludes:

"Whilst the commercial market place generally is active for second hand stock, values have not increased sufficiently to render commercial development a viable proposition within the Southend and Shoeburyness areas, which is evidenced by the land at Vanguard Way, which has been on the market since 2012 for commercial development and the site at Temple Farm".

4.12 Furthermore, the Employment Land Statement states:

"It is unclear how active marketing of the application for two years would do anything other than confirm the site remains unviable and the sterilise the land for a further two years making a total of twelve years of sterilised land. This is completely contrary to Government policy as set out in the framework.

Policy DM11 of DPD2 does not require marketing as a mandatory requirement which is accepted by the Council. The totality of evidence clearly indicates that the site will not be developed for employment purposes given the context of the surrounding employment units.

The Council has permitted changes from employment to retail and residential with the Garrison Phases 1 & 2. The release would allow four residential units as a windfall development to meet the Councils housing need”.

- 4.13 Paragraph 22 of the NPPF states that alternative uses should be encouraged of non-viable employment sites and states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.

- 4.14 In light of the above, it is considered the applicant has provided sufficient information to justify an exception to current planning policy, whereby there are a number of vacant sites within Shoebury and the wider area that are currently marketed and vacant for industrial purposes and there is no long term or reasonable prospect of the proposed site being developed and used for Class B purposes. It is also not considered the proposed development will result in a use that is incompatible with and will not compromise the operating conditions for other employment users in the vicinity of the site. On balance, taking into all of the above and all other relevant material considerations, the loss of this employment site will not harm the overall employment growth of the area and provide much needed family accommodation in accordance with policy DM7 of the Development Management Document DPD2.

Flooding

- 4.15 The National Planning Policy Framework requires new residential development within flood zones to satisfy the flooding sequential test and exceptions test. The site is located within flood risk zone 3, the high risk zone respectively. The proposal is for four dwellings, which is considered to be ‘more vulnerable’ development according to the technical guidance to the National Planning Policy Framework. The application is therefore required to pass the sequential and exception tests.
- 4.16 The proposed site falls within an employment land area as designated by Policy KP1 of the adopted Core Strategy and policy DM11 of the Development Management Document.
- 4.17 Shoebury is identified as an area for regeneration and growth within the Core Strategy, and 1,400 new homes earmarked for Shoebury within the plan period. Thus the sequential test need only be applied within the Shoebury area. In relation to being a ‘more vulnerable’ use, it is proposed by the applicant that use, flood risk measures will be required to mitigate against and manage it, including measures to make the buildings resilient to flood risk. The existing site currently comprises undeveloped land.

4.18 The application is accompanied by information to inform a sequential and exceptions test and Flood Risk Assessment carried out by Evolve (August 2015). In accordance with the Environment Agency Standing Advice regarding development and flood risk in England, the EA requires a staged approach based on the following:

- Stage 1 strategic application and development vulnerability;
- Stage 2- defining the evidence based; and
- Stage 3- applying the Sequential Test

These stages are discussed below.

4.19 *Stage 1-Strategic Application and Development Vulnerability*

The site as part of the wider Shoebury Garrison development has previously undergone the Sequential Test as a commercial/light industry but not as residential use; therefore a sequential test for other uses has not been carried out before.

The development proposals are considered to be 'more vulnerable' (residential/) and are located within tidal Flood Zone 3a.

4.20 *Stage 2- Defining the Evidence Base*

No alternative development sites have been identified in Shoebury via the Local Development Framework in terms of the Annual Monitoring Report and Strategic Housing Land Availability Assessment that do not already benefit from planning permission.

The Council has identified a five year housing supply and development of this site would be a windfall in terms of providing new housing. Windfall sites are those that have not been specifically identified as available in the Local Plan process that have suddenly become available. The site as a windfall site has the potential to facilitate sustainable development while contributing to the growth targets set out in the Core Strategy for dwellings.

4.21 *Stage 3-applying the Sequential Test*

The applicant has submitted information to inform a sequential and exception test dated February 2016. The report states that there is no local plan policy to exclude from the windfall provision land falling within flood zones 2 and 3a.

4.22 The applicant concludes: *"The sequential test has revealed there are no SHLAA or Local Plan allocated sites in Shoebury for small windfall sites that would be sequentially preferable than the application site. The Council's planning portal shows no sites available for development. In any event windfall sites make up over 81% of the Council's housing supply of which some 25% are small windfall sites. These are included in the Council's five-year housing supply. The sequential test has confirmed there are no other sites sequential preferable to the application site"*.

4.23 Following review of further information in relation to the sequential test, a review of sites available in Shoebury in the Strategic Housing Land Availability Assessment and discussions with Councils Housing team, it is apparent there are no other reasonable sites available within Shoebury to accommodate development as proposed and in light of this the proposed development is considered a windfall site. Therefore, no objections are now raised to the proposed development on flood risk grounds, as there are no other reasonably available sites and the flood risk assessment has demonstrated the development would be safe in flood risk terms.

4.24 *Exceptions test*

In terms the exceptions test, for the exceptions test to be passed the development must provide wider sustainability benefits, be on previously developed land and by way of a Flood Risk Assessment, demonstrate the development will be safe in flood risk terms. It is noted the development is on previously developed land, and subject to conditions, could be considered to have sustainability benefits. No objection has been raised by the Environment Agency to the flood risk assessment submitted carried out by Evolve August 2015 as the development will provide a tolerable level of safety for occupants for the lifetime of the development. The applicant has submitted a flood response plan carried out by Collins Coward Limited, which ensures residents are aware of safe egress routes in the event of a breach of flood defences.

Design and impact on the character of the area

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

4.25 The existing site is a greenfield site and was earmarked for a two storey commercial development under the Garrison outline Masterplan 00/00777/OUT

4.26 The proposed two storey dwellings would have an overall height of 8.5m - 9.7m high, which is set below the height of existing commercial premises to the west of the site. The overall scale of the buildings would not be out of keeping with the residential properties to south of the site in St Georges Lane and will not detract from the grade II listed building Garrison church to the south east of the site.

4.27 The dwellings would be set in line with the frontage of existing commercial premises to the west of the site which is welcomed. The dwellings appear well spaced and are similar in design and appearance to the development at Gunner Hill Phase 2 within the Garrison site. The overall design includes the gable roofs, yellow stock brick and render used through the Garrison site.

4.28 The overall design and scale of the dwellings will relate satisfactorily to the surrounding area. The internal layout has also altered whereby greater articulation and relief has been provided to the east elevation and the internal layout has been altered to provide a study to the front and kitchen to the rear, which will not affect the overall proportions of the windows. The proposal in terms of its design and scale is considered to satisfy the NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management Document and the Design and Townscape Guide.

Living conditions for future occupiers

National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

- 4.29 It should be noted on the 1st October 2015 the National Technical Housing Standards were adopted. All of the dwellings would be in excess of the required standards and therefore no objection is raised. Furthermore, all houses will have sufficient outlook and daylight for future occupiers in all habitable rooms.
- 4.30 Policy DM8 (iii) states that all new dwellings should meet the Lifetime Home Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Home Standards has now been superseded by the National Technical Housing Standards and all new dwellings are required to meet building regulation M4 (2)- 'accessible and adaptable dwellings'. The applicant has submitted information demonstrating that the four dwellings would meet the building regulation M4(2) requirements and will therefore be dealt with by condition if the application is deemed acceptable.
- 4.31 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.32 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:
- “There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form...”*
- 4.33 The level of amenity space proposed is detailed in paragraph 1.3 above and is considered sufficient useable amenity space of the four dwellings and therefore no objection is raised on this element.
- 4.34 Refuse storage can be accommodated to the rear of the site, which is welcomed and further details can be sought by condition if this application is deemed acceptable to ensure the bin storage is enclosed to protect amenities of surrounding residents.

Traffic and Transport Issues

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policy DM15 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.35 The vehicle access to the site has already been constructed following the approval of the outline application 00/00077/OUT. Policy DM15 of the Development Management Document requires 2 parking spaces per dwelling. This proposal includes the provision of one parking space for each dwelling within a garage and one to the driveway to the front of the site. Policy DM15 requires all new garages to have an internal dimension of 7m x 3m and will not be considered or counted as a parking space if less. The proposed garages meet current policy and each dwelling would therefore benefit from two parking spaces in accordance with policy DM15 of the Development Management Document.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policy CP4, policy DM1 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.36 Policy DM1 of the Development Management Document states that any new 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. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.37 It is not considered the proposed dwellings by reason of their siting will result in harm to the any immediate residential occupiers given the nearest property is some 34m away in St Georges Lane in terms of overlooking or loss of privacy.
- 4.38 In terms of impact with respect to noise and disturbance there are commercial premises to the west and north of the site. Associated vehicles coming to and from the offices to the west at Evolve Telecom are not considered to result in demonstrable harm to the potential future occupiers taking into account the opening hours are between normal office hours Monday to Friday. In relation to the car park to the rear of the site, in order to protect the amenities of future residential occupiers a condition will be imposed to ensure full details of an acoustic fence are installed. There is significant separation distance from the school to mitigate against harm for future occupiers in relation to noise and disturbance.

Sustainable Construction

NPPF, Core Strategy Policy KP2, Development Management Document policy DM2 and SPD1

- 4.39 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. Policy DM2 of the Development Management Document states that all new development should contribute to minimising energy demand and carbon dioxide emissions. The Design and Townscape Guide advises that options for renewable power must be considered at the beginning of the design process so that they are an integral part

of the design scheme. No details accompany this planning application in relation to renewable energy however, this can be dealt with by condition to ensure the technologies do not detract from the grade II listed building the Garrison Church to the south east of the site.

- 4.40 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (1110 lpd) when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, officers are satisfied this can be dealt with by condition.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.41 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development will result in a net increase in gross internal area of 525.60sqm, which may equate to approximately £11,118.46 (subject to confirmation).

6 Planning Policy Summary

- 6.1 National Planning Policy Framework
- 6.2 Development Plan Document 1: Core Strategy policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP8 (Housing)
- 6.3 Development Management Document 2: Development Management Document policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM11 (Employment Areas), DM14 (Environmental Management), DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 6.5 Waste Management Guide
- 6.6 Community Infrastructure Levy CIL Charging Schedule

7 Representation Summary

Design and Regeneration

- 7.1 No objections.

Traffic and Highways

7.2 No objections.

Environment Agency

7.3 *Tidal Flood Risk*

The site lies in Flood Zone 3a, the high probability zone. The application is for residential units, which are considered to be a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. It is therefore necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific Flood Risk Assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Sequential and Exception Test

The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework. The Exception Test is set out in paragraph 102. These tests are your responsibility and should be completed before the application is determined.

Flood Risk Assessment

A FRA prepared by EAS Transport Planning Ltd, job number 764, and dated August 2015 has been submitted. The important points from the FRA are:

- Residual (breach) risk shows no flooding in building in the design flood event (floor levels are proposed to be set at 3.1mAOD)
- The residual (breach) risk depth of flooding on the site/access route is 2 – 2.8m in the design flood event
- Flood Hazard on the Access/Egress route is 'Danger for all' during the design flood event (based upon a breach) [Table 13.1 of the Defra/Environment Agency R&D document FD2320](#).
- A Flood Response Plan has not been submitted and we recommend that one is drawn up for the site.

These points are expanded upon within the Flood Risk technical appendix.

Summary of Our Position

We are satisfied that the FRA provides you with the information necessary to make an informed decision, providing that the following points are considered. We have reiterated the key flood risk information from the FRA above and as an appendix to this letter. Although we are not objecting this must be reviewed in full before you determine the proposal as it contains essential information to inform the determination of safety.

Summary of Flood Risk Responsibilities for your Council

Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test;
- Exception Test;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Whether insurance can be gained or not;
- Sustainability of the development.

Public Consultation

- 7.4 A site notice displayed on the 11th August 2016 and 9 neighbours notified of the proposal. No letters of representation have been received.

8 Relevant Planning History

- 8.1 Mixed use development incorporating ground floor office use and first and second floor residential. (Land adjacent to New Garrison Road)- 14/01021/PREAPF
- 8.2 Erect four two storey dwellinghouses with associated parking and amenity space- Refused (15/01997/FUL).

9 Recommendation

Members are recommended to GRANT PLANNING PERMISSION for the reasons set out below:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02 The development shall be carried out in accordance with the approved plans: 01; 04; 05; 06; 07.**

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

- 03 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment prepared by Evolve dated August 2015.**

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment NPPF and policy KP2 of Core Strategy.

- 04 The development hereby permitted shall operate at all time in accordance with the 'Flood Evacuation and Warning Plan' received 22.09.2016 reference CC/1687.**

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service.

- 05 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the local planning authority and the approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-**
- i proposed finished levels or contours;**
 - ii. means of enclosure, including any gates to the car parks;**
 - iii. car parking layouts;**
 - iv. other vehicle and pedestrian access and circulation areas;**
 - v. hard surfacing materials;**
 - vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.)**
- This shall include details of details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, details of measures to enhance biodiversity within the site and tree protection measures to be employed during demolition and construction.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1

- 06 A scheme detailing how at least 10% of the total energy needs of the dwellinghouses will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellinghouse. This provision shall be made for the lifetime of the development.**

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and policy DM2 of the Development Management Document (DPD1).

- 07 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 08** The development hereby approved shall be carried out in accordance with drawing to ensure the dwellinghouses comply with building regulation M4 (2)- 'accessible and adaptable dwellings'.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 09** Details of an acoustic fence, to be erected along the northern boundary of the site, shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried only in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers in accordance with policy DM1 of the Development Management Document DPD2.

Informative

- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
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The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

