

Reference:	16/01780/FULM	
Ward:	Belfairs	
Proposal:	Demolish existing building and erect three storey building comprising of 16 self-contained flats on first and second floor with balconies and roof terrace with retail unit on ground floor, lay out parking bin store and alter vehicular access at 1307-1313 London Road	
Address:	1307 London Road, Leigh-on-Sea, Essex, SS9 2AD	
Applicant:	Dove Jeffry Homes	
Agent:		
Consultation Expiry:	03/11/16	
Expiry Date:	10/01/17	
Case Officer:	Ian Harrison	
Plan Nos:	001 P1, 200 P5, 201 P1, 202 P2 and 203 P1.	
Recommendation:	Delegate to the Head of Planning and Transport or the Group Manager Planning to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (As Amended).	



1 The Proposal

- 1.1 Permission is sought to demolish the existing buildings at the application site and replace them with a three storey building comprising of 16 flats and a ground floor retail unit.
- 1.2 The existing warehouse building at the west part of the application site measures 18 metres by 10.7 metres with a maximum height of 8.6 and is of two storey scale. The majority of the remainder of the buildings at the site are shown to be single storey with a footprint of approximately 560 square metres and a maximum height of 4.8 metres.
- 1.3 The application proposes the erection of linear building that would have an overall width of 45.8 metres. The west half of the building would measures 13.6 metres deep and 22.8 metres wide with a flat roof built to a height of 10 metres. 3.9 metre wide, 1.2 metre deep indents would be included at the front and rear elevations, forward of which would be framed structures that would provide balconies at first and second floor which would project 0.3 metres forward of the building. Two box-style oriel windows would be provided at each of the front and rear elevations and four Juliet balconies would be provided at each elevation. At ground floor would be the 247 square metre unit proposed to be used for purposes falling within Use Class A2.
- 1.4 The western main block would be 3.6 metres from the side of the block described above. This would measure 14.6 metres deep and 13.4 metres wide with 1.25 metre deep and 4 metre wide indents at the front and rear elevations with similar framed balcony projections. The block would be built to a flat roof height of 10.8 metres. The two blocks described above would be linked by a section that would measure 3.6 metres wide, 13.2 metres deep at ground floor and 11.7 metres deep at first and second floor, with balconies projecting forward to match the ground floor depth. The link section would be positioned in line with the main rear elevations and therefore being set back from the main front elevation of the two other blocks by 0.3 metres and 1.3 metres. Balconies would be provided at first and second floor at the front elevation and the main entrance to the residential part of the building would be provided at ground floor. To the east of the building would be a 11.8 metre deep and 6 metre wide projection that would have two balconies to the front elevation and incorporate the undercroft access to the parking at the rear of the site at ground floor. The side projection would feature a flat roof built to a height of 10.1 metres.
- 1.5 The proposed building would be constructed from a mixture of render and brickwork.
- 1.6 The proposed vehicular access to the site is located at the east end of the site, measuring 4.6 metres wide at the London Road frontage with curved kerbs. The access would then pass through the undercroft section of the building described above which would lead to a parking court at the rear of the site which would contain 18 parking spaces, one for each flat and two for the commercial unit.

1.7 The proposed 16 flats would feature the following accommodation:

Flat	Beds	People	Required GIA	Measured GIA	Bed 1	Bed 2	Bed 3	Balcony
1	2	4	70	71.5	12.5	11.5		9.7
2	2	4	70	71	12	11.5		4.7
3	2	4	70	75	14.2	12.4		5.6
4	3	4	74	74.5	11.6	8.3	7.9	5.6
5	2	3	61	61.3	12	9		5.3
6	1	2	50	53.5	12.4			0
7	2	4	70	71.7	12.8	12.3		4.7
8	2	4	70	70.7	12.8	12.5		5.0
9	2	3	61	65.4	12.5	10.5		10.4
10	3	4	74	75	11.6	8.2	8.1	5.6
11	3	4	74	74.6	11.6	8.2	8.1	5.6
12	2	3	61	61	12	9.5		5.3
13	1	2	50	53.6	12.7			0
14	2	4	70	71.3	12.5	11.9		4.7
15	2	4	70	71.3	12.7	12.3		5.0
16	2	3	61	64.4	12.7	10		10.4

All Measurements in Square Metres

1.8 A total of 310.3 square metres of amenity space would be provided at the site, 80.3 square metres in the form of balconies and 230 square metres as a rooftop terrace area that would be positioned at the front of the rooftop, 9.5 metres from the west edge of the building, 6 metres from the east and 4.5 metres from the north. A 1.8 metre tall glazed screen is proposed at the north edge of the amenity area and solar panels are proposed on the roofspace to each side of the amenity area. The roof would also feature a 25 square metres, 2.8 metre tall projection that would provide the lift core for the building.

1.9 A bin store is proposed to be provided at the north west corner of the car park and refuse storage and cycle storage are also shown within the lobby area of the residential element of the building.

2 Site and Surroundings

2.1 The application site currently contains two storey and single storey buildings that are described above and used for the sale of cars. Vehicular access is currently provided directly from London Road.

2.2 The site is located within an area of mixed uses and buildings built to a mix of architectural styles and different scale. To the North of the site is a residential area that consists of rows of two storey residential buildings that front Kingswood Chase and Tankerville Drive. To the east of the site is a group of three buildings that include a hot-food takeaway restaurant, a retail premises and an accountants office. To the west of the site is a two storey building that appears to be used as a dwelling and a two storey building that is used as a dry cleaners at ground floor and a residential property at first floor. Opposite the site to the south is Leigh Cemetery and a row of commercial properties with a similar mix as set out above.

- 2.3 The site is not the subject of any site specific policy designations.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues and sustainability.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, CP4, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8, DM10, DM11, DM13 and DM15 and the Design and Townscape Guide SPD1 (2009)

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes 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.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs and identifies that 80% of residential development shall be provided on previously developed land.
- 4.3 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*

- 4.4 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seek to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below.

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Policy Position (Affordable Housing)	18%	71%	10.5%	0%
Originally Proposed Development	12.5%	87.5%	0%	0%
Amended Proposal	12.5%	68.75%	18.75%	0%

- 4.5 It is therefore the case that the proposed development would not provide a development that would entirely reflect the Borough's housing need and housing demand as set out in Policy DM7 of the Development Management Document DPD2. It is noted that planning appeal APP/D1590/W/16/3148366 at Evolution Gym, 939 London Road recently assessed the application of this policy in relation to a block of 38 flats (18% 1 bed, 71% 2 bed and 10.5% 3 bed) that was proposed. At appeal the Inspector stated that the proposal would have been *"clearly contrary to the provisions of policy DM7 of the DMD. In my view, the proposal would also be contrary to the broad policy objectives as identified by policy CP8 above in terms of providing a range of dwelling sizes to meet locally assessed needs."*
- 4.6 The applicant has amended the scheme during the application to provide four flats with three bedrooms and it is considered that this better reflects the policy requirements. It is considered unrealistic for constrained sites fronting London Road to fully reflect the dwelling mix requirement in all cases. The applicant has highlighted the content of the Council's Strategic Housing Market Assessment document which states that *"around a third of additional demand could related to flats. This reflects the younger demographic of the borough, who are more likely to occupy this type of property, but is also a consequence of the sizable projected growth in the number of older residents, who also show a tendency towards occupying flatted accommodation."* Although not demonstrated at this point, the applicant has stated that it would be unviable to provide further three bedroom accommodation at the site. In this instance, given the type of development, it is considered that this seems a reasonable basis to provide no more large units than those which are shown within the submitted plans. It is noted that the mix of units is more compliant than a mix of units that has been supported by the Local Planning Authority in relation to one of the applicant's developments at 411-415 Sutton Road. For these reasons it is considered that no objection should be raised to the mix of units that are proposed at this site.

- 4.7 Policy CP1 states *“that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.”* Furthermore, policy DM11 states that the loss of employment land outside of designated areas will only be supported where it is no longer effective or viable to continue the employment use of the site.
- 4.8 The applicant supports this submission with evidence that the site is no longer suitable for commercial use including an estate agents letter which sets out that the condition of buildings, the limitation of the site servicing areas, limitations on parking and the fact the site is surrounded by residential dwellings would render the buildings unattractive to other commercial users. The letter indicates that there is an abundance of other available commercial buildings and sites locally, which would be more costs effective and attractive to commercial operators seeking space within the Borough. It is further stated that it is not a viable prospect to refurbish the existing buildings or to redevelop it for new commercial premises. For these reasons, noting that the proposal would result in the loss of a relatively small amount of commercial floorspace that generates a limited number of employment opportunities, it is considered that the benefits of increasing housing provision at this site should be deemed to outweigh the loss of commercial floorspace in this location. On balance, the principle of the development is found to be acceptable.
- 4.9 Policy DM13 seeks to protect the vitality and viability of the shopping frontages of the Southend Borough. The site is not allocated as part of a designated shopping frontage and it is therefore considered that there is no policy requirement to provide retail space at the site. Its provision in place of the existing commercial use at the site is not considered to be a basis for an objection to the application and it would enable the provision of some employment to off-set the loss of commercial floorspace, which would otherwise conflict with policy DM11 (which seeks to retain commercial floorspace outside of the designated employment areas). The size of the unit proposed is such that it would not represent a risk to the vitality and viability of designated retail centres.

Design and Impact on the Character of the Area

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

- 4.10 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes 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.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment.”*

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

- 4.11 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.12 Policy DM3 states that *“The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.”* Moreover, 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”*
- 4.13 This section of London Road has a varied character, and is generally mixed use including commercial units and residential properties, many of which are at first and second floor above ground floor commercial properties. There is no consistent style of the buildings which vary in age and in size. The buildings are generally two and three storeys, some with flat roofs. In contrast the residential streets of Kingswood Chase and Tankerville Drive to the north have a much more consistent character, however the proposed development would not be viewed in the same context as those properties.
- 4.14 The proposal consists of demolishing the existing building and the erection of a three storey mixed use building.
- 4.15 It is noted that the tallest part of the three storey building (excluding the lift core) would be 1.2 and 1.3 metres taller than the properties to the east and west respectively. However, the edges of the building that are closest to those neighbouring properties are at a lower height and therefore would only be 0.5 and 0.6 metres taller. Whereas the existing buildings at the application site are lower in height than the neighbouring buildings, substantially in the case of the building to the west, the development hereby proposed would be closer to the height of those buildings and would be similar to the height of other buildings within the immediate vicinity of the site. In this regard it is noted that recent developments at 1355 and 1341 London Road measure 9.6 and 9.2 metres tall respectively and Carversham Lodge at 1154 London Road is a full three storeys with a pitched roof and is therefore materially taller. In this context the 10.7 metre tall development is not significantly out-of-keeping with the comparable buildings of the wider area.

- 4.16 With regard to where buildings of an increased height are proposed, the Design and Townscape Guide states that *“where larger buildings are considered appropriate, they can be designed in such a way so as they do not appear over dominant in the wider streetscene.”* For the reasons set out above, it is considered that the increased height of the built form at the site would not be overly dominant or out-of-keeping with the scale and form of other buildings within the surrounding area.
- 4.17 A detailed critique of the scale, layout and appearance of the development has been provided by the Council’s Design and Regeneration Team which is set out below. It is noted that no objection was raised to the proposal subject to details of the proposed development being agreed through the imposition of conditions. It is considered that the design advice is comprehensive and well-founded and its content should therefore be afforded significant weight. Accordingly, it is considered that the visual impact of the proposed development is acceptable at this site.

Impact on Residential Amenity.

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1 and DM3 and Design and Townscape Guide.

- 4.18 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. Policy DM1 of the Development Management DPD also states 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.”
- 4.19 The residential properties to the North of the application site (7 Kingswood Chase and 10 Tankerville Drive) are located 21 and 16.5 metres from the proposed building and orientated at 90 degrees to the proposed building. Due to these separation distances and to some extent the presence of tall trees, which are shown to be retained and protected during development, it is considered that the proposal would not cause a significant loss of light, outlook or privacy within the neighbouring dwellings. The rooftop amenity space would feature a glazed screen that would prevent overlooking and it is therefore the case that views towards the neighbouring properties and their rear garden areas would only be possible from first and second floor windows and balconies. However, due to the separation distance of 13.5 metres between the building and the neighbouring gardens, the presence of trees and the orientation of the proposed block it is considered that the overlooking of the amenity areas would not be at a level that is materially different to the inter-visibility which is already experienced between the existing dwellings and not harmful to residential amenity to an extent that would justify the refusal of the application.

- 4.20 The property to the west features two flats which have windows on the rear elevation facing north and on the side of the outrigger facing east. The upper floor flat is served by a large terrace area above ground floor garages. The existing warehouse building at the site abuts the boundary and presents a full two storey mass at the boundary which significantly impacts on the light and outlook from within those properties, particularly as the building measures 19 metres deep and therefore dominates the side boundary. The proposed building would be set further forward, would measure 13.4 metres deep and would be set 1.3 metres from the boundary. Therefore, despite the westernmost part of the proposed building being 0.5 metres taller than the existing building, it is considered that the separation distance, reduced depth and forward positioning, would result in the building have a lesser impact than the existing building. The proposal would therefore be an overall improvement to the amenities of those residents.
- 4.21 The property to the east features a commercial unit at ground floor and (according to Council Tax Records) a flat at first floor. There are no side facing windows in that property and no amenity space to the rear. It is therefore considered that the proposal would cause no harm to residential amenity to the properties to the east.
- 4.22 No other properties would be within sufficient proximity of the application site to be materially affected by the proposed development.

Standard of Accommodation:

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.

- 4.23 Paragraph 17 of the NPPF states that *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:
- Minimum property size for residential units shall be as follow:
 - (a) 1 bedroom (2 bed spaces) 50 square metres
 - (b) 2 bedroom (3 bed spaces) 61 square metres
 - (c) 2 bedroom (4 bed spaces) 70 square metres
 - (d) 3 bedroom (4 bed spaces) 74 square metres
 - Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity : Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m².
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.24 The proposed flats would be built to the dimensions that have been set out at paragraph 1.7 above. Amended plans have been received to address minor alterations that were required to ensure that the flats accord with the abovementioned standards. The proposal is therefore considered to be in accordance with the abovementioned policies and guidance.

4.25 With regard to external amenity space, a communal garden area is proposed to provide amenity space for the flats that would have an area of 230 square metres. This would equate to approximately 14.3 square metres per flat. In addition to this shared provision, 14 flats would also be served by balconies which, when combined with the communal terrace, would ensure that the overall provision of amenity space at the site would be appropriate for the occupants of the proposed flats, averaging at 19.4 square metres per flat. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook and refuse and cycle storage facilities are provided.

4.26 The applicant's submissions include a noise assessment which demonstrates that the development can be made acceptable through the use of suitable mitigation within the development. No objection has been raised to the proposal by the Council's Environmental Health Officer and therefore, subject to the imposition of a condition, it is considered that no objection should be raised to the application on those grounds.

- 4.27 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 it is considered that these standards should 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. The applicant's planning statement sets out that the units have been designed to accord with these standards. It is therefore considered that, subject to the imposition of a condition to ensure compliance with the standards, no objection is raised to the application on those grounds.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.28 Policy DM15 states that each flat should be served by a minimum of one parking space and the commercial unit should be served by a maximum of 16 spaces. The residential standard has been met by the proposed development leaving two spaces to serve the commercial unit. This is considered to be a reasonable provision.
- 4.29 The Highway Authority has raised no objection to the application on the grounds that the number of vehicle movements associated with the proposed development would not have an adverse impact on highway safety or capacity. From this basis, it is considered that no objection should be raised to the proposal on the grounds of the level of parking provision that is proposed at the site or any impacts on highway safety.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policies DM1, DM2 and DM14 and SPD1

- 4.30 Policy KP2 of the Core Strategy states; *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources"* and that *"at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)"*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.31 The applicant's submissions include an Energy Statement and it is noted that solar panels are shown to be provided on the roof of the proposed building. It is considered that this would be adequate to address the abovementioned requirements and should therefore be secured through the imposition of a condition.

- 4.32 The applicant's submissions include a drainage strategy which sets out that a soakaway will be provided at the site to provide suitable surface water drainage attenuation. This is considered to be an appropriate solution and in this case, noting that the existing site is entirely dominated by buildings and hardstanding, it is considered that the proposal will represent an improvement in terms of sustainable drainage.
- 4.33 Due to the previous use of the site, it is considered necessary and reasonable to impose a condition to require the identification and mediation of any contamination that is found at the site.

Community Infrastructure Levy.

- 4.34 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development would feature 1362 square metres of residential floorspace and 237 square metres of commercial floor space and this would result in a net increase in gross internal area of 640 square metres (taking into account a deduction of 958 square metres for existing 'in-use' floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £20 per square metre and the rate for commercial development is £10 per square metre. Therefore, this equates to £13,056.91.

Other Planning Obligations

Planning Policies: NPPF; DPD1 (Core Strategy) policies KP3, CP6 and CP8 and SPD2.

- 4.35 The Core Strategy Policy KP3 requires that In order to help the delivery of the Plan's provisions the Borough Council will "Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as affordable housing."
- 4.36 It is considered necessary and reasonable to secure the provision of 20% of the flats proposed at the site as affordable housing units, in accordance with Core Strategy policy CP8 and under the terms of a Section 106 Agreement. The proposal would provide a total of 3 affordable housing units on site with the following mix of dwellings types:
- a) 2 x 1 bedroom affordable units (Affordable Rented)
 - b) 1 x 2 bedroom affordable units (Shared Ownership)
- 4.37 The affordable housing obligation proposed to be sought is considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within a timely manner the application should be refused.

Other Matters

- 4.38 The applicant's submissions demonstrate that there is no evidence of bats being present at the site and therefore there is no threat to ecology interests caused by the proposed development.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies KP1 (Spatial Strategy) KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8, DM10, DM11, DM13, DM14 and DM15.
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).
- 5.6 Technical Housing Standards

6 Representation Summary

Design & Regeneration

- 6.1 The following comments have been made:
- This section of London Road has a mixed character and a mixed use proposal of part commercial at ground floor and part residential would not be out of character in this context
 - The existing buildings are poor quality and there is no objection to their loss
 - The existing buildings are under scaled and there is scope for an increase in height and scale in this location
 - 3 storeys would seem reasonable in this context. The form contrasts with the adjacent development but the wider area is of mixed character and so there is scope for variation
 - The forward building line and the stepping in the footprint to the front is a better response to the curve of the street, will help to break the bulk a little and provide a transition between the existing building lines of the neighbours which are slightly different following the street alignment
 - The tall fenestration is generally well proportioned for the scale of building and picks up on the vertical emphasis in the streetscene. The feature boxes help to break up the length of the building and add interest although being recessed they will have a reduced impact. It is suggested that they project further in line with the boxed windows. There would also be scope for a more varied arrangement of windows including possibly more boxed windows or projecting/inset balconies to enliven the elevation.

It is considered that the other recently consented scheme shown in the D&A was of a more interesting design.

- It is pleasing to see that the rear elevation has some modelling and this should that the building reads as a complete scheme.
- With such a simple approach the materials and detailing will be key. There is a concern regarding the proposal for 'foil wrapped upvc windows' and 'red oxide effect powder coated feature bays and product details/design details should be conditioned for these elements to ensure that they are of a high quality. It may be that some form of cladding would add interest to the elevation, perhaps replacing the rendered section. It is suggested that the materials condition should include product details for all materials. The colours will also need to be agreed.
- The sizing and layout internally seems reasonable however it is noted that there are a number of single aspect north facing units which is regrettable. These also have inset balconies which mean that there will be no sunlight to the living room windows and little to the balconies. These units also overlook the parking area which will need to be well landscaped including good surface materials to make the best of this outlook. This seems to be the case although a landscaped buffer to the building and along the fence would enhance the scheme.
- The landscaping and boundaries will need to be agreed. It is unclear whether any physical boundary treatment is proposed to the front. The streetscene appear to show hedging here which is considered to be a good compromise in this location. A physical wall or railing would not seem appropriate in this more commercial context.
- No objection to a roof terrace in principle and the scale and design seem reasonable. Screens to the front section should be maintained at a lower height and should be clear to reduce the impact on the streetscene. It is also recommended that they are stepped off the front building line a couple of metres.
- Pvs are shown on the roof which seems to be a good solution to the requirement for 10% renewables although details of these will need to be conditioned.

Traffic & Highways Network

- 6.2 The applicant has provided information from the TRICS database to demonstrate a net increase of 4 vehicles during the am/pm peak when compared to the existing use. It is not considered that the additional increase will have a detrimental impact upon the highway network. 100% parking has been provided for the residential element of the scheme with 2 spaces for the commercial development. This is considered acceptable given the sustainable location of the site which has good links in close proximity. The applicant has also provided census to assess car ownership within the local area which demonstrates that 16 car parking spaces is more than sufficient to accommodate potential car ownership. The applicant has requested a traffic regulation change to accommodate loading after the waiting restrictions have expired the applicant will be expected to fund any traffic regulation change.

Anglian Water

- 6.3 No objection has been raised to the proposal. The wastewater and foul sewage infrastructure has capacity to accommodate the proposed development. No comment is made with respect to surface water drainage as the drainage scheme does not affect Anglian Water assets.

Essex and Suffolk Water

- 6.4 No objection has been raised to the proposal as there infrastructure would not be affected by the proposal and other procedures are in place to arrange connection to the water network.

Environmental Health Officer

- 6.5 No objection is raised to the proposal subject to the imposition of conditions relating to the hours of construction, contaminated land and the noise associated with plant at the site.

Leigh-on-Sea Town Council

- 6.6 No objection.

Public Consultation

- 6.7 A site notice has been displayed and neighbours have been notified of the application. No letters of objection have been received.

7 Relevant Planning History

- 7.1 A number of applications have been submitted with respect to the existing use of the site. These are considered to be of limited relevance to the development proposed by this application.

8 Recommendation

Members are recommended to:

- (a) **DELEGATE to the Head of Planning and Transport or Group Manager of Development Control & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the provision of:**
- a) **2 x 1 bedroom affordable units (Affordable Rented)**
 - b) **1 x 2 bedroom affordable units (Shared Ownership)**

- (b) **The Head of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:**

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of 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: 001 P1, 200 P5, 201 P1, 202 P2 and 203 P1.**

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

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the BLP and Policy DM1 of the Development Management DPD 2015

- 04 No construction works above the floor slab level 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. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied or brought into use.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 05 The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 201 P1 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 06 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.**

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 07 The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the retail/commercial unit have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and shall be retained thereafter.**

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 08 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 09** Before the A2 use hereby permitted is occupied, details of any equipment to be installed to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the unit is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 11** The Use Class A2 use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 12** No deliveries or refuse collection shall be taken at or despatched from the Use Class A2 unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 13 Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before development the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.**

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

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Policies DM1 and DM14 of the Development Management DPD 2015.

- 14 No construction works above the floor slab level shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details before the development is occupied and brought into use. Those details shall include:**

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

- 15 Details of any external lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority before the development is occupied or brought into use. Development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 of the Development Management DPD 2015.

- 16 The development shall be undertaken in accordance with the Energy and Sustainability Statement prepared by Fusion 13 that has been submitted with the application before the development is occupied or brought into use. The PV panels shown on plan 201 P1 shall be fully installed prior to the first occupation of any of the flats hereby approved and all approved measures shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

- 17 Demolition or construction works associated with this permission shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 18 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 19 The development shall be undertaken in full accordance with the recommendations set out at section 4.2 of the Noise Assessment prepared by Adrian James Acoustics Limited (Dated 23/03/16) that has been submitted with the application before the development is occupied or brought into use.**

Reason: In order to protect the amenities of occupiers of the development in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 20 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the installation of any shopfront at the site, the details of the design, materials, glazing, doors, shutters, signage and lighting of the shopfront shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the A2 use is brought into use and retained thereafter.**

Reason: In order to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise previously agreed in writing by the Local Planning Authority.**

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 22 The commercial floorspace hereby approved shall be used only for purposes falling within Use Class A2 and for no other purpose including any within Classes A1, A3, A4, A5, B1, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 23 No demolition or other works associated with this permission shall take place until an Arboricultural Method Statement & Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall only be undertaken in full compliance with the approved details and the content of Section 6.0 (Recommendations) of the "Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan" dated 16/09/16 that has been submitted within this application.**

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 Policy DM1 of the Development Management DPD 2015

- 24 No construction works above the level of the floor slab shall take place until details of the new accesses, removal of the existing redundant crossovers and the reinstatement of the kerb have been submitted to and approved in writing by the Local Planning Authority and a full scheme of works and the relevant highways approvals are in place. The development shall be carried out in accordance with the approved details before the development is commenced and retained thereafter.**

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance DPD1 (Core Strategy) 2007 policy KP2, KP3 and CP3, Policy DM1and DM15 of the Development Management DPD 2015.

- 25 Before it is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' and the remaining flats comply with building regulation part 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).

Informative

Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil .