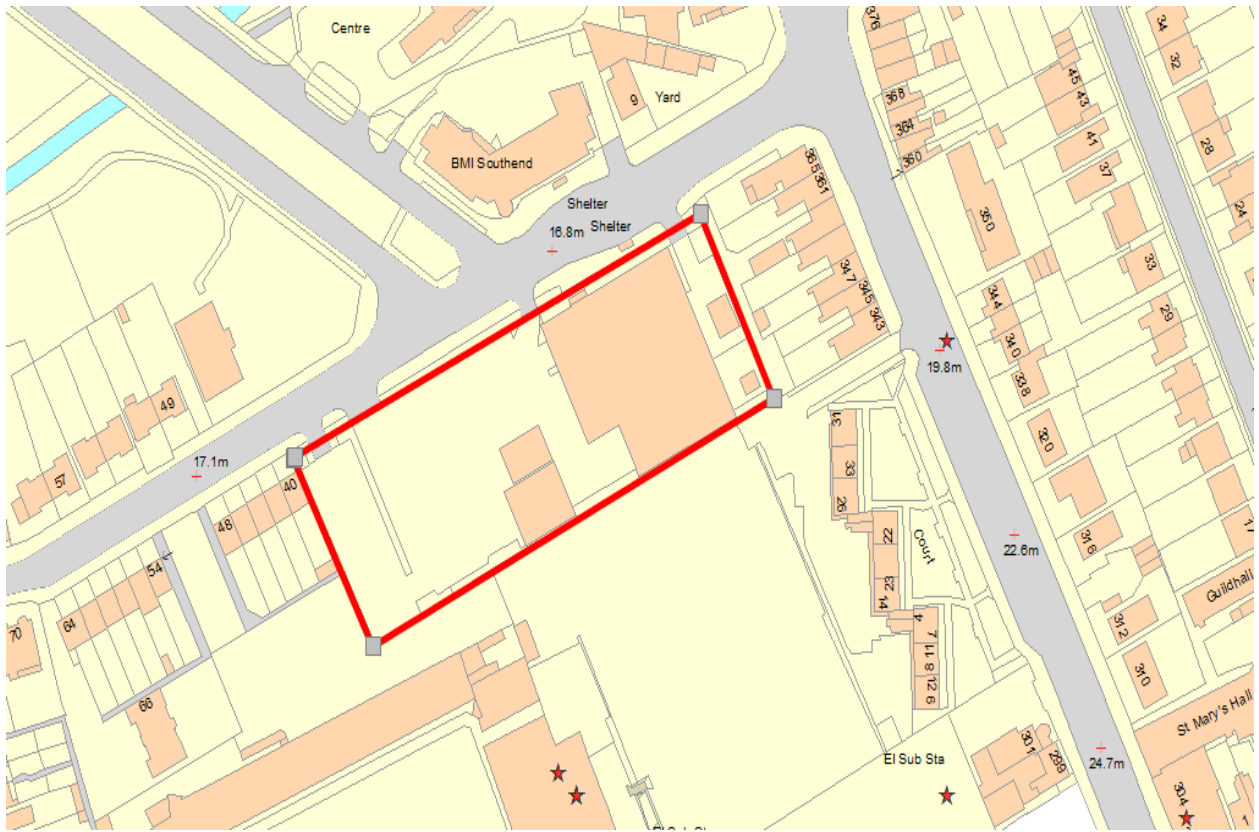


| | | |
|-----------------------------|---|--|
| Reference: | 17/01115/FULM | |
| Ward: | Prittlewell | |
| Proposal: | Demolish existing buildings, erect three blocks of three, four and five storeys comprising of 92 self-contained flats with balconies, basement parking and parking at ground floor level, landscaping, amenity space, associated works including highway alterations and alteration of existing access onto Fairfax Drive | |
| Address: | Prospects House, 10 Fairfax Drive, Westcliff-on-Sea, Essex, SS0 9AG | |
| Applicant: | Weston Homes PLC | |
| Agent: | Weston Homes PLC | |
| Consultation Expiry: | 5 January 2018 | |
| Expiry Date: | 7th February 2018 | |
| Case Officer: | Patrick Keyes | |
| Plan Nos: | AP234: P001 Rev D (Landscape and semi basement), P002 Rev D (Ground and Upper Ground Floor), P003 Rev D (First Floor), P004 Rev D (Second Floor), P005 Rev D (Third Floor), P006 Rev D (Fourth Floor), P007 Rev D (Roof Plan/ Street Elevation), P008 Rev D (Elevations Sheet 1), P009 Rev D (Elevations Sheet 2), P0010 Rev D (Elevations Sheet 3), AP 234 P201- P240 Rev A (Flat types 1 to 40). | |
| Recommendation: | Resolve that had the application not been appealed for non-determination, Members would have determined 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 The applicants for this proposal have confirmed to staff that they are submitting to the Planning Inspectorate an appeal against non-determination of their application. This means that the decision on the application will no longer be in the Council's hands. At the time of preparing this report, the Council has not received any notification from the Planning Inspectorate that a valid non-determination appeal has yet been submitted but this is expected to occur in the very near future. As part of the appeal process, the Council will have to confirm the decision it would have made had a non-determination appeal not been submitted. This report accordingly sets out an assessment and recommendation.
- 1.2 The application proposes to demolish existing buildings on the site and to erect 3 blocks of flats, varying between 2 and 5 storey in height, totalling 92 units (41x1-bed, 47x2-bed and 4x3-bed), together with associated basement and surface parking for 92 vehicles, a ratio of one per unit. The proposal includes amenity space, landscaping and associated works. This is a stand-alone development but the applicant has provided explanatory comments on how the scheme might tie in to a wider redevelopment of the Roots Hall site should one come forward.
- 1.3 A single, five storey building (Block C) would sit directly opposite the junction of Fairfax Drive and Prittlewell Chase flanked by two further buildings; Block A/B to the west (2 to 3 storey) continues the form of the existing residential terrace and then returns into the depth of the site; Block D/E to the east, which is mainly 4 storey, addresses the street frontage and then returns into the depth of the site. Blocks A/B and D/E would step up in height rearward by roughly a half storey equivalent as they reflect the site's southerly rising land levels. Between these two buildings a one-way loop road would wrap behind Block C with the main vehicular entrance to its east by the existing Prospects House entrance, and the exit further to its west, close to the existing service yard access.
- 1.4 The proposed buildings are set back to follow the established building line along Fairfax Drive and to provide street frontage landscape and tree planting. An element of on street, surface car parking is included towards the rear of the site. Areas of private amenity space are provided in two enclosed, landscaped, courtyard gardens to the eastern and western flanks of the development, stepped to take account of ground levels.
- 1.5 Materials include dark and light facing brick, textured masonry, cladding, clear glazed windows, glazed balconies, spandrel panels and aluminium louvres. Hard landscaping materials include macadam surfacing, granite sett paving, granite slabs, granite setts, natural stone stepping stones and gravel.
- 1.6 The applicant confirms that 30% of the proposed units will be affordable. They are not obliged to submit a viability report with the application because of this policy compliant provision of affordable housing.

- 1.7 The application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, Travel Plan, Phase 1 Habitats Report, Archaeological Desk Based Assessment, Environmental Noise Assessment and supplementary noise impact report, Contaminated Land Survey, Energy Report, Flood Risk Assessment/Drainage Strategy, and Landscaping plans.

2 Site and Surroundings

- 2.1 The application site is the rectangular-shaped former Prospects College site (0.56 Ha/ 1.38 acres) measuring some 120m x 46.5m. The eastern half of the site is occupied by a two storey brick building, Prospects House, which was formerly used as a training centre and has been vacant for several years. This has a two storey, flat roofed frontage to Fairfax Drive and also extends around a warehouse scale element towards the western elevation. Warehouse loading bays face onto an extensive hard standing covering the western part of the site. Two smaller warehouse elements are next to the site's southern boundary. Part of the site is currently used for the storage of building materials.
- 2.2 The northern boundary runs along Fairfax Drive. Allotments, the Growing Together Project, a private Hospital and an office are to the northern side of Fairfax Drive. To the east, the site boundary is formed by a service road which accesses the rear of two-storey buildings in Victoria Avenue. Those buildings comprise shops with flats over. Most are unoccupied. Continuing southwards within Victoria Avenue beyond that terrace is St Marys Court, a four storey flatted development. The application site's southern boundary is formed by a retaining wall to the car park serving Roots Hall football stadium which is set between 0.4m and 1.3m higher than the site. The application site sits at the bottom of sloping land which rises southwards through the adjacent stadium site to West Street. To the west, in Fairfax Drive, is a terrace of five two storey dwellings behind which is an area used by a vehicle hire company for storage of vehicles. Further to the west, Fairfax Drive is characterised by two storey pitched roof dwellings, both terraced and semi-detached.
- 2.3 The site is in a relatively sustainable location. A bus shelter is immediately in front the site. Prittlewell train station is some 790m to its south. The site is some 100m from cycle tracks into Southend Town Centre and Leigh-On-Sea. The site is readily accessible to the main road network with the A127 some 50m away. Priors Park is close by.
- 2.4 The site is located within the 'Southend Central Area' identified within the Southend Central Area Action Plan (SCAAP). Within this, the site together with the wider Roots Hall site and the Victoria Avenue frontage and properties in Roots Hall Avenue, is allocated as Opportunity Site 13 and falls within the Victoria Gateway Neighbourhood area subject to Policy PA8. It is also within an area of archaeological interest within the SCAAP. Properties next to the south east corner of the site are within a secondary shopping frontage. To the south of the site, along Victoria Avenue, is the Grade I listed St Mary's Church, views of which are defined as "Key Views" within the SCAAP. St Mary's Church is also designated as a Landmark Building within the SCAAP.
- 2.5 The site lies within Flood Risk Zone 1 (low risk).

3 Planning Considerations

- 3.1 The main considerations are: the principle of the development; design and impact on the character of the area including views of St Marys Church; impact on the amenity of surrounding residents; standard of accommodation for future occupiers; traffic generation; access and parking implications; sustainable construction including the provision of on-site renewable energy sources; CIL (Community Infrastructure Levy) and developer contributions.

4 Appraisal

Principle of the development

Planning Policies: National Planning Policy Framework (2012) (NPPF), Core Strategy (2007) Policies KP1, KP2, CP6, CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM7, DM10, DM11 and DM15 and the Design and Townscape Guide (2009), Southend and Central Area Action Plan (SCAAP) Policies PS8, DS2 and DS3.

- 4.1 The Core Strategy confirms that the primary focus of regeneration and growth within Southend is in Southend Town Centre and the Central Area. The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre, to guide future development decisions. The SCAAP was agreed in December 2017 following an examination held by an Inspector appointed by the Secretary of State. The SCAAP is now being prepared for adoption by the Council.
- 4.2 The application site is brownfield land within the Southend Central Area. It is also part of the 4.22ha Roots Hall, Victoria Avenue site identified within the 2016 Strategic Housing Land Availability Assessment identified for residential development.
- 4.3 Policy PA8 sets principles for development in the Victoria Gateway Neighbourhood Policy Area, of which the application site forms part. This policy confirms that the Council will look favourably on high quality developments which can demonstrate that they will contribute to the transformation of this area into a vibrant community, integrated with the surrounding neighbourhood and set within a remodelled built form, of a quality that befits this key gateway to the Town Centre.
- 4.4 Policy PA8 also seeks to conserve existing landmark buildings and ensure that new development respects views to and from them, their setting and character, in line with Policy DS3: Landmarks and Landmark Buildings.
- 4.5 Policy DS2 confirms that new development within Southend Central Area will be expected to demonstrate that it is compatible with and/or enhances Key Views of St Mary's Church. Policy DS3 confirms that the Council will seek to conserve landmarks and landmark buildings as identified in Table 2 and Appendix 3 from adverse impact by: a) encouraging the provision of open spaces and public realm improvements which provide views to landmarks or landmark buildings or enhance their setting; b) resisting adverse impacts of new development by virtue of excessive height, massing or bulk; and c) ensuring development proposals respect views, setting and character.

- 4.6 Policy KP1 of the Core Strategy seeks the provision of additional homes within the Town Centre. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located. Policy CP1 of the Core Strategy 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.
- 4.7 Policy CP2 seeks to support the Town Centre as a regional centre including mixed-use development. A stated aim of Policy CP3 is to reduce reliance on the car in new development. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and seeks that 80% or more of residential development be provided on previously developed land. Policy DM1 of the Development Management Document seeks to promote successful places.
- 4.8 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks 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. Policy DM7 states that the Council will seek to support a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within internal accommodation to meet the changing needs of residents. Policy DM10 seeks to promote sustainable economic growth by increasing the capacity and quality of employment land, floor space, and jobs through new development. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 4.9 The proposal would involve the loss of a potential employment-generating land use. However the site is not a designated 'employment-generating' further to Policy DM11. Loss of the D1 training centre use came about as part of the former Prospect College relocation, in part funded by the sale of this site. Taking the above into consideration, including that there has been no net loss of educational space it is not considered that there is any requirement to safeguard the site as a community facility under Policy CP6.
- 4.10 The principle of using this brownfield land for residential purposes is therefore considered acceptable under Policies KP1, KP2, CP4, CP6 and CP8.
- 4.11 The principle of the form and nature of the application site's redevelopment and strategic impact also needs to be considered having regard to the effect on landmark views of St Mary's Church, required under Policies DS2 and DS3. The application is supported by a visual impact assessment demonstrating that although a development of the scale sought would be seen generally in the context of St Mary's, the local topography here is such that, with land rising southwards away from the application site, the new built form on this site would not, in principle, cause an adverse effect on views of the church when seen from vistas

around the application site notably from Fairfax Drive and from further beyond in Prittlewell Chase to the north. It is not considered that the scheme would harm the setting of the listed building.

- 4.12 The application site has been subject of past, comprehensive proposals which sought to regenerate the Roots Hall stadium site together with land around its periphery, including the current application site. All related permissions for such wider redevelopment have expired. However submission of a further planning application, specifically for redevelopment of the existing Roots Hall stadium site, is anticipated during 2018 in association with the current separate planning application under consideration for a new replacement football stadium and associated development at Fossetts Farm (17/00733/FULM).
- 4.13 It would be preferable to consider the redevelopment and wider regenerative role of the current application site simultaneously with further redevelopment proposals for the Roots Hall site. However it is considered that this cannot be insisted upon nor can the Council reasonably withhold determination of the current application on that basis. This is because the proposals presented here for the Prospects College site are entirely self-contained ie they do not rely upon the adjacent Roots Hall site for any fundamental design components such as access. Furthermore the essential form and layout of this proposal have been designed so as not to rely upon, nor to materially prejudice, the redevelopment potential of the adjacent Stadium site. For example habitable rooms in this proposed development would not rely on outlooks across site boundaries to the south. Equally the Roots Hall site is sufficiently large that any constraints created by the prior redevelopment and presence of new buildings within the current application site could be addressed through design.
- 4.14 Commenting on how the scheme might tie in to the wider redevelopment of the Roots Hall site, the applicants' Planning and Design & Access Statements confirm that this proposal is the first phase of a potential wider redevelopment ultimately encompassing the Roots Hall site and St Mary's Court. Although this is not an element being assessed under this application, the applicants demonstrate how the lay out of their proposed development has given consideration to the possibility of a wider masterplan for the Roots Hall site in future. The applicant states that this ensures that the redevelopment of Roots Hall will not be prevented by this development and that the two can be satisfactorily integrated.
- 4.15 Therefore the effect of this site's development on the future development potential of the Roots Hall site is primarily an issue to be addressed at the appropriate time by the designers of any future redevelopment proposals submitted for the Roots Hall site. Whether such a proposal comes forward in practise is a matter for the respective site developers. Officers do not consider that this issue alone would constitute a materially defensible reason for opposing the principle of this site's redevelopment in its self-contained form or for the residential purposes proposed.

Housing mix

- 4.16 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing.

Providing dwellings of different types, including tenure and sizes, helps to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types provides greater choice for people seeking to live and work in Southend and will therefore also support economic growth. So the Council seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand. Policy DM7 of the Development Management Document requires all residential development to provide a mix of dwelling size and type.

4.17 Paragraph 159 of the NPPF requires local planning authorities to have a clear understanding of housing needs in their area and that they should prepare a Strategic Housing Market Assessment 2013 ('SHMA') which identifies the scale and mix of housing that the local population is likely to need. The Southend-on-Sea Housing Strategy 2011, the SHMA and the Council's Community Plan 2011-2021 seek to provide sustainable balanced communities and advise that housing developments will need a range of tenures and size of dwelling. The SHMA has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation. The provision of high quality, affordable family homes is an important strategic housing priority in Southend and the Core Strategy highlights a need to retain a stock of larger family housing.

4.18 Policy DM7 states:

"The Council will promote the mix of dwellings types and sizes, taking account of those outlined in the SHMA, in all new major residential development proposals. Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council."

4.19 The Council's preferred Private Market Dwelling Mix is:

| Size/ No bedrooms | 1 Bed | 2 Bed | 3 Bed | 4 Bed |
|--------------------------|--------------|--------------|--------------|--------------|
| Proportion of dwellings | 9% | 22% | 49% | 20% |

and the Council's preferred Affordable Dwelling Mix is :

| Size/ No bedrooms | 1 Bed | 2 Bed | 3 Bed | 4 Bed |
|--|--------------|--------------|--------------|--------------|
| Percentage of affordable housing total | 16% | 43% | 37% | 4% |

4.20 The proposal comprises the following (within the main figure for Block A/B the number of proposed Affordable Housing units is identified in italics) :

| Block/Building | 1 Bed | 2 Bed | 3 Bed |
|-----------------------|---------------------|-------------------|-----------------------|
| A/B | 18 (<i>18 AH</i>) | 7 (<i>7 AH</i>) | 3 (<i>3 AH</i>) |
| C/D/E | 23 | 40 | 1 |
| Total | 41 (45%) | 47 (51%) | 4 (4%) |
| | | | 92 units total |

- 4.21 The proposed mix has been refined since original submission of the application. It now includes a policy compliant 30 % level of affordable housing. This comprises 11 shared ownership units (8 x 1-bedroom and 3 x 2-bedroom) and 17 social rented units (10 x 1-bedroom, 4 x 2-bedroom and 3 x 3-bedroom) to be provided within proposed block A/B. Taking account of the site context and nature of development proposed, it is considered that the above mix, which now includes an element of larger 3 bedroom units capable of family occupation plus over 50% two bedroomed units, would make a satisfactory contribution to the Council's housing policy objectives. This is supported by the Council's Strategic Housing team.
- 4.22 It is therefore considered that the principle of this form of development at this location is acceptable in light of the above policies and the SCAAP. Detailed matters are considered specifically below.

Design, regeneration and the impact on the character of the area.

Planning Policies: National Planning Policy Framework (2012) (NPPF), Core Strategy (2007) Policies KP1, KP2, CP4; Development Management Document (2015) Policies DM1, DM3; Design and Townscape Guide (2009).

- 4.23 A core planning principle set out in Paragraph 17 of the NPPF is to seek to secure high quality design and good standards of amenity for existing and future occupants.
- 4.24 The NPPF also states at paragraph 56:
- “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.”
- 4.25 The need for good design is reiterated in Policies KP2 and CP4 of the Core Strategy DM1 and DM3 of the Development Management Document and in the Design and Townscape Guide.

Scale and massing

- 4.26 The application site is on the edge of a main transport corridor leading to the Town Centre. The mix of land uses and varying topography here have created a mixed pattern of building types, formats, scale and massing with no overall single distinctive urban grain. Development to the south and east is represented mainly by the stadium site and predominantly two storey commercial buildings in Victoria Avenue, south of which are four storey flats. To the west, Fairfax Drive contains modest two storey housing to its south side next to the site and opposite this moving towards the west on the north side of Fairfax Drive.
- 4.27 Immediately opposite the site the street scene setting is wider and more open and spacious in aspect, reflecting the major intersection between Fairfax Drive and the dual carriage way of Prittlewell Chase where a two storey clinic on its eastern corner has massing which is equivalent to a three storey residential building. As well as rising significantly towards the south, the land levels rise westward more modestly along Fairfax Drive. When seen from a distance, development on the

application site would sit at the base of these surrounding, predominantly rising land levels and surrounding built form which varies in scale and character. This has been a significant consideration for officers when assessing the visual impact of the new development and its effect on the prevailing character of the surroundings.

- 4.28 With the exception of its relationship to No 40 Fairfax Drive and the terrace towards its west, the proposed development would not sit immediately next to existing built form which would otherwise set a more marked constraint for scale or design. The site is some 120m wide. Within this area of varied character, building forms and masses, officers consider that the site is capable of establishing its own identity and making a transformative visual contribution within the street scene. The site width enables the development to achieve a scale and massing and layout relationship between the proposed new buildings on the site itself without jarring with characteristic features of interest such as the wide setting of the intersection, the green setting of the dual carriageway or the strategic backdrop view of St Mary's Church.
- 4.29 The proposed central pavilion (Block C), maximum plan dimensions 19.2m x 24m is five storeys (15.25 m max) in height and incorporates two, four-storey wings projecting over main entrances either side, each some 12.3m in height. All of the proposed buildings, particularly the central pavilion, will appear significantly taller than existing buildings in the Fairfax Drive street scene but the latter is purposely designed to form the focal point in long views of the site from Prittlewell Chase with adjoining new buildings subservient to the scale of that primary Block C.
- 4.30 To the east, proposed four-storey Block D/E (max 12.3m height) steps down to 3 storeys (9.5m height) in response to the scale of the existing buildings on the Victoria Avenue frontage. It should be noted that these height dimensions for Block D/E and those for Block A/B below refer to the building's situation in the immediate Fairfax Drive street scene. Both blocks would increase in height by a further 1.6m as these two buildings extend further back into the site where the ground levels rise by some half a storey equivalent. Block D/E would be L shaped in footprint with maximum plan dimensions 33m x 24m.
- 4.31 To the west, proposed three-storey Block A/B (9.3m height) steps down to 2 storeys (6.7m height) to form a visual continuation of the existing flat-roofed residential terrace commencing at 40 Fairfax Drive. Block A/B would have a staggered L shaped footprint with maximum plan dimensions 35m x 22.8m.
- 4.32 Seen in this context the proposed 2-5 storey scale is considered to be complimentary to the surrounding built environment and not excessive in scale, particularly when the surrounding topography is considered. In particular it is considered that the scales of the individual blocks and proposed disposition of built form within the development would strike an acceptable balance between achieving compatibility with the lower neighbouring buildings at the site margins whilst enabling a suitably higher density development which sets its own character and identity without materially harming the setting of the street scene.

Layout, building arrangement and external materials

- 4.33 Some 44 of the 92 on-site car parking spaces are proposed within two areas of undercroft to the rear of the site, sunk into the ground by half a level so that the deck forming the roof of the car park and the landscaped courtyard gardens is at the same level as the ground within the elevated Roots Hall car park to the south and adjoining residential gardens. This car park arrangement raises the level of the buildings in the southern portion of the site by half a storey in height responding suitably to site levels.
- 4.34 Given the varying character of the site's setting, in particular the currently inharmonious composition of the streetscape to the eastern part of Fairfax Drive, the design of the proposal is predicated on the basis that there are no particularly strong architectural precedents in the locality except that there is a predominance of white painted render in the street scene. It is in this context that the applicant proposes a contemporary architectural approach to the design. External finishes incorporate a dark facing brick and a contrasting light coloured brick to reflect the wide use of render but to achieve future durability. This also references the two short Fairfax Drive terraces of flat roofed houses on the site's western boundary which retain a common compositional theme comprising central projecting square bays with setback main entrances between.
- 4.35 All of the new blocks will be set back to follow the established building line along Fairfax Drive. This respects the relationship with the existing two storey terrace to the west and enables introduction of an enhanced zone of street frontage landscape and avenue tree planting which is welcomed. As well as providing a setting for the development, the applicant sees this as helping to address the scarcity of trees and landscaping within the Central Area identified in the Borough Wide Character Study. An element of on street, surface car parking will be included towards the rear of the site so the development would maintain a strong, positive, landscaped street frontage, uninterrupted by car parking.

- 4.36 Viewed comprehensively it is considered that the resulting massing, design, layout and use of external materials would both complete the missing street frontage over this significant section of Fairfax Drive and is suitably responsive to the mixed character of uses and buildings around the site and its gateway location. The arrangement of new buildings also enables the opening up of views south to the Roots Hall future development site, St Mary's Church and the town centre and beyond. The above is therefore considered to comply with Policies KP2, DM1, DS2 and DS3 and is acceptable.

Impact on amenity of future occupiers and neighbours to the development

Planning Policies: National Planning Policy Framework (2012) (NPPF), Core Strategy (2007) Policies KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM8; Design and Townscape Guide (2009); the National Technical Housing Standards DCLG

- 4.37 A core planning principle set out in the NPPF is that the planning system should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*.

4.38

Policies DM1 and DM3 of the Development Management DPD and CP4 of the Core Strategy refer to the impact of development on future and surrounding occupiers.

4.39 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users.

Living conditions for future occupiers

4.40 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.

4.41 Delivering high quality homes is one of the Government's requirements within the NPPF. From the 1st October 2015 Policy DM8 of the Development Management DPD has been superseded by the National Housing Standards concerning internal floor space standards.

4.42 Paragraph 17 of the National Planning Policy Framework 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 of which the parts relevant to the proposal are:

- Requirement for 74sqm internal floor space (4 bed spaces) per three bed dwelling, 61sqm internal floor space per two bedroom dwelling (3 bed spaces) and 50sqm internal floor space per one bedroom dwelling (2 bed spaces) to ensure the development is in line with Building Control requirements.
- Minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floor space 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 floor space shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of Policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.43 All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook.

4.44 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations which requires accessible and adaptable dwellings. It is considered that these standards should now provide the basis for the determination of this application.

4.45 The proposal has been amended since submission to address officer feedback on accessibility for future occupiers and visitors to the development. The updated schedule of room units sizes supplied with the application demonstrates that all of the proposed development will meet the National Technical standards for individual unit and bedroom sizes. However the applicants have not fully taken on board officers' request that all of the blocks should be served by lifts to all floors to ensure accessibility for all residents regardless of disability or the tenure of the units concerned.

4.46 Lifts serve all proposed blocks with the exception of Block A/B which has raised concerns, especially because this block contains the affordable housing units for the development. Officers initially approached this issue concluding that, in principle, it was not achieving a tenure-blind position and was therefore unacceptable. Extensive discussion has taken place with the applicants as to why they are opting not to accede to officers' request that they incorporate a lift in block A/B. Supported by independent responses provided by the Registered Social Landlords (RSLs) with whom the applicants have been engaged as potentially occupying the finished development, the applicants explain that they find that provision of lifts has a direct impact on service charges of their schemes. The RSLs' position is that where schemes are 3 storey or below (as is the case with Block A/B), they seek to avoid the provision of a lift, given the initial capital costs of the lift (and the lift shaft and pit) as well as the ongoing future maintenance costs that this introduces. On schemes of more than 3 storeys, the RSLs responded that they would be happy for a lift provision as the extra cost and maintenance of the lift can be shared between a higher number of homes, reducing the service charge costs. They also state that they would typically request that any wheelchair homes

are located on ground level. It is noted that the Council's development plan policies on this issue make it clear that exceptions to meeting accessibility standards can be made on grounds of viability in certain cases (Policy DM8 refers).

- 4.47 In response to the Council's concerns and the RSLs' response the mix of accommodation, staff suggested that the proposed layout within block A/B be further adjusted to re-locate those units oriented more to families and those adaptable for wheelchair users to the ground floor of the block. However the applicant has decided to retain the proposal as submitted. Staff have remaining concerns that the absence of a lift creates a lesser degree of accessibility for the affordable housing units but given the explanation given by the RSLs; the fact that Block A/B is no higher than three storeys; and the position that the operational/tenant cost argument has been robustly posited by the applicants and their RSL partner, it is considered that the absence of a lift in Block A/B would be unlikely to be sustainable as a solitary reason for refusal for the proposal if it is otherwise deemed acceptable in all other regards.
- 4.48 All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook. The applicants have applied daylight standards to the most affected unit within the development to demonstrate that required day lighting levels would be met. Secondary windows have been introduced to the south facing elevations of Block A/B and D/E to improve natural day lighting levels for those units closest to the Roots Hall Stadium boundary.
- 4.49 The proposal has a good level of access for all units to outdoor amenity space through private balconies and semi-private landscaped communal amenity space. The majority of units benefit from a private balcony or roof terrace suitable for seating, dining and drying clothes and are positioned conveniently, connecting to the dining/living rooms of each unit.
- 4.50 In addition to the individual balcony/terrace provision above, future residents will have access to approximately 750 sq.m of semi-private communal amenity space, provided in enclosed gardens next to blocks A/B and D/E, plus communal roof terraces on the 5th floor of the central block, C. The gardens are split into different levels, landscaped to promote a degree of privacy between different users, benefit from natural surveillance from habitable rooms, and contribute to the urban greening of the area. The development is some 100m walking distance from the Priory Park entrance and the local play area and some 130m from the recreation ground located off Prittlewell Chase. The total provision of outdoor amenity space for residents is considered acceptable and compliant with the objectives of Policies CP8, DM3 and DM8.
- 4.51 The Noise Assessment submitted in support of the application has considered the site's prevailing noise climate and assesses potential noise impacts that may affect the proposed development and its future occupiers. The assessment concludes that standard double glazing, as proposed, will address any potential noise concerns related to road traffic noise, predominantly in Fairfax Drive and would achieve the relevant internal standard in British Standard 8233. The same applies to the development's relationship to the southern (stadium) boundary. The Noise Assessment's conclusions have been reviewed by the Council's Environmental Health Service and have been found to be acceptable subject to the conditions incorporated at the end of this report.

Impact on neighbouring occupiers' amenity

- 4.52 Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours as protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.53 The proposed development is laid out in a conventional rectilinear manner. Its principal aspect is to the north onto Fairfax Drive with return, main building frontages facing towards the eastern and western boundaries and inwards to the site between these respective blocks. The rear elevation of Block C would be some 16m from the southern boundary shared with the Roots Hall Stadium site.
- 4.54 A minimum distance of 10.2m would exist between main habitable rooms and the eastern boundary. The adjoining buildings here fronting Victoria Avenue contain ground floor commercial and residential flats above. In addition there exists, between the rear of the Victoria Avenue properties and the application site, an access route some 3m wide such that it is considered that no materially harmful levels of overlooking or invasion of privacy would result.
- 4.55 A minimum distance of 13.5m would be retained between west facing habitable rooms and the nearest residential boundary (40 Fairfax Drive). No 40 has no main flank windows and has a single storey rear addition. This property would experience a changed relationship with the application site which is currently comparatively open so there is potential for an increased perception of overlooking as the new development projects back across four floors into this western part of the site with a number of westward facing habitable room windows and balconies. However those windows and balconies are designed to primarily overlook the new development's amenity area. Furthermore, due to the design and layout, south facing balconies in the new development, screened to their sides, would to a material extent, mitigate the effect of westward overlooking from windows and balconies in the internal corner of Block A/B.
- 4.56 Support material has been submitted with the application showing that the oblique relationship between habitable rooms/ balconies further into the southern depth of the site would achieve a minimum distance of some 18m between balconies serving the new flats and the rear wall of No 40 Fairfax Drive. It is considered that block A/B would not unduly dominate the rear garden scene and rear outlook of houses to the west. Nor would any levels of direct overlooking be so significant as to represent material harm warranting refusal on privacy grounds.
- 4.57 Subject to incorporation of a privacy screen strategy designed to prevent material invasion of privacy the proposed roof terraces are considered to be acceptable. Such a strategy can be secured through a planning condition.
- 4.58 Planning conditions are also recommended to control the development's impact on neighbours arising from construction/ demolition operating hours, construction method and similar environmental considerations.

- 4.59 Subject to the conditions described above and reflected in Section 10 of this report, the development's impact on the amenity of future occupiers and neighbours to the development is therefore considered acceptable and compliant with policy objectives.

Traffic and Transportation

National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) Policies KP2 and CP3, Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.60 Policy CP3 of the Core Strategy (2007) seeks to widen travel choice and improve road safety. Policy DM15 of the Development Management Document states that one off-street parking space should be provided for each dwelling.
- 4.61 The following comments take on board revisions made to the scheme to address queries and initial points of concern :

Access

- 4.62 The proposal has been amended in response to concerns about access/ egress arrangements, particularly conflict of the west egress with Fairfax Drive and Prittlewell Chase. A Stage 1 Road Safety Audit has demonstrated using swept path analysis that large vehicles can exit in one manoeuvre onto Fairfax Drive in either direction. Proximity to existing junctions and traffic islands have been all been assessed and considered acceptable. As an improvement upon the originally submitted proposal, a small traffic island is now proposed on the eastern access point coupled with kerb re-alignment and a splitter island to be constructed within Fairfax Drive itself. This is to prevent right turn vehicle movements into or out of the eastern access whilst maintaining satisfactory bus swept path movement at the Fairfax Drive/Prittlewell Chase junction together with maintained operational integrity of the yellow box markings. This has been reviewed by the Council's Road Safety Team and is considered to be acceptable and will ensure the free flow of traffic on Fairfax Drive and Prittlewell Chase.

Traffic generation

- 4.63 Consideration has been given to the previous use of the site which was formerly Prospects College, a vehicle hire company overflow parking and now is a storage facility for construction materials. All previous uses generated a significant number of daily vehicle movements using a similar western egress onto Fairfax Drive as the proposed development. When comparing the previous uses with the proposed use there is an increase in the vehicle movements generated as a result of the development. However this is not considered to have a detrimental impact upon the public highway in the vicinity and surrounding areas of the site. The site benefits from its sustainable location for public transport with good links to bus and rail services in close proximity and the Prittlebrook cycle route network that provides wider access to the town centre and Leigh on Sea.

Car Parking

- 4.64 The development provides 92 (one to one) parking spaces in line with the Council's policy including 10 spaces for disabled users conveniently dispersed within the layout. The proposal has been amended to incorporate 10% active Electric Vehicle (EV) parking spaces and a further 10% of the total parking spaces with passive EV charging points which is welcomed.
- 4.65 The proposal has been amended to include a raised table formal square designed to prevent indiscriminate parking within the access road circulation route intended to deter vehicles from parking inappropriately within the development site. As failure to control parking within the site may lead to large vehicles such as refuse freighters having difficulty access the site as such a parking management scheme for the site is proposed to be secured through a planning condition.

Cycle Parking

- 4.66 Covered facilities for 100 cycles are provided within the development. These can be secured and controlled by a planning condition.

Servicing/ refuse

- 4.67 Refuse storage is provided within each residential block. The applicant will be required to contact the Council's waste service provider, Viola to ensure that access is granted to the secure refuse storage areas to enable waste collection. The waste contractor will also seek assurances that the road structure will be suitable to accommodate a fully laden refuse freighter and will also need assurances that full access will be granted to the site. Inconsiderate parking which obstructs the internal operation of the site would lead to collections not being made. This will need to be addressed within a car park management scheme and would be secured via a condition.

Bus stops

- 4.68 Bus stops outside the site are no longer proposed to be relocated as part of any of the proposed highway works.

Conclusion

- 4.69 The applicant has worked with the Highway Authority during the application process. Having regard to the applicant's detailed application and the information supplied with their Design and Access Statement it is considered that the proposal will not have a detrimental impact on the local highway network. Therefore given the information contained within the report no highway objections are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway. A Financial Sum associated with any Traffic Regulation Order deemed necessary in association with the highway works which would involve carriageway /footpath re-alignment and physical measures and road markings to prevent right turn movements in association with the development, is covered by the Section 106 agreement heads of terms described in para 4.23 below.

Sustainable Construction

National Planning Policy Framework (2012) (NPPF), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM2 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Design and Townscape Guide (2009)

- 4.70 Policy KP2 of the Core Strategy states that “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide*”.
- 4.71 The submitted proposals are supported by an Energy Statement which is intended to support and explain how the scheme responds to the requirements of the local council and Building Regulations ADL1A. It acknowledges that there is a specific policy requirement from this Council for new developments to reduce CO2 emissions by 10% using renewable technologies. The Energy Statement has taken a different approach to this Council’s core strategy stating that the applicants wish to take a *fabric first* approach to meet the majority of the 10% reduction in CO2 and then utilise renewable energy technology if necessary.
- 4.72 Using this *fabric first* approach the development would concentrate on reducing the heating demand through a highly efficient building fabric meaning the amount of CO2 produced by space heating will be decreased rather than constructing an inefficient building with a high heat demand counteracted by renewable energy technologies. The applicants state that the Energy Statement thus demonstrates compliance with Building Regulations ADL1A 2013 and a 10% reduction in CO2 site wide.
- 4.73 However this approach would deliver only 2.99% through renewable technology (photovoltaics) itself, a level which falls materially below with the Council’s 10% policy threshold. Notwithstanding the merits of the applicants fabric first approach and as there is scope for additional photovoltaics to be accommodated within the development, a condition is recommended to secure 10% through renewable technologies so complying with the Council’s policy. Subject to this the proposal would be acceptable in this regard.
- 4.74 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. A condition is proposed to ensure the proposed development mitigates against surface water runoff.
- 4.75 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) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water

recycling systems such as grey water and rainwater harvesting. This can be secured by condition.

- 4.76 In summary subject to imposition of conditions the sustainable construction implications will be acceptable and policy compliant.

Other matters

Archaeology

- 4.77 The Archaeology desk top study submitted in support of the application concludes that the site has a low theoretical archaeological potential and does not identify any need for additional mitigation measures.

Biodiversity and Nature Conservation

- 4.78 The NPPF states that the planning system should contribute to and enhance the natural environment including protecting biodiversity. Planning decisions must therefore prevent unacceptable harm to biodiversity and impose adequate mitigation measures where appropriate. The site itself has no ecological designation.
- 4.79 An ecologist's Phase 1 habitat survey has been carried out in support of the application. The site is not subject of any statutory ecological designations. On the basis of field observations the ecological report concludes that the site is of low nature conservation importance. It therefore recommends that there are opportunities to increase the biodiversity of the site as follows. For bats it recommends : installation of bat boxes within the development; that residential lighting is downward facing so as not to disrupt bats' movements; new site landscaping include trees and shrubs producing insects on which bats prey; and the formation of residential gardens will increase the biodiversity of flora and fauna. Further measures will include landscaping to incorporate foodplants for the Holly Blue butterfly, a BAP (Biodiversity Action Plan) species found on site plus installation of bird boxes to encourage three BAP bird species found on site (swift, House sparrow and Herring gull). Subject to these measures being controlled through a proposed planning condition, the ecological considerations of the proposal are found to be acceptable and policy compliant.

Contaminated Land

- 4.80 The site has previously been used for bus depot, storage and commercial activities so a Tier 1 Contamination Study has been undertaken in support of the application to consider the potential for contamination on site. The site has been assessed as having a moderate risk of contamination. The Tier 1 report recommendations advise that further soil testing and gas monitoring is warranted. This Council's Environmental Health service has no objection to the development and request conditions to address the findings and other contents of the Tier 1 report. Those are incorporated into the list of conditions at Section 10 of this report. Subject to the developer satisfactorily discharging and adhering to the requirements of those conditions it is found that the contamination considerations of the proposal would be acceptable and policy compliant.

Developer contributions

Planning Policies: NPPF; Core Strategy (2007) Policy KP3.

4.81 Core Strategy Police KP3 requires that:

“In order to help the delivery of the Plan’s provisions the Borough Council will:

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.

This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”

4.82 The following S106 contributions are proposed :

- 28 units of affordable housing (14 x 1 bed, 6 x 2 bed, 3 x 3 bed) of which 11 for shared ownership and 17 for rent)
- £46,154.03 contribution towards secondary education
- £4000 associated with any Traffic Regulation Order deemed necessary in association with the highway works

4.83 The above addresses the specific mitigation for the site for matters not addressed within the Regulation 123 Infrastructure List.

4.84 The contributions proposed are 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.

Community Infrastructure Levy Regulations

4.85 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:

- a) necessary to make the development acceptable in planning terms; and
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report would meet all the tests and so that if the application were otherwise consider to be acceptable this would constitute a reason for granting planning permission in respect of application.

4.86 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 application site is located within Zone 1 therefore a CIL rate of £24.08 per sqm is required for the proposed development. The proposed development equates to 7415 sqm of residential floors pace which may equate to a CIL charge of approximately £ 178,553 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building " test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

5.0 Conclusion

5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The mix of units is found to be acceptable taking into account the history of the site and current housing need. The proposal would provide adequate amenities for future occupiers and would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are considered to be acceptable. It is therefore recommended that Members resolve that permission would have been granted subject to conditions following completion of a Section 106 legal agreement had the application not been appealed for non-determination.

6.0 Planning Policy Summary

6.1 NPPF - National Planning Policy Framework: Achieving sustainable development, Core Planning Principles, Policies: 1. Building a strong, competitive economy; 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes; 7. Requiring good design; 8. Promoting healthy communities; 10. Meeting the challenge of climate change, flooding and coastal change; 11. Conserving and enhancing the natural environment.

6.2 Core Strategy (2007) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).

6.3 Development Management Document (2015) Policies: Policy DM1 – Design Quality; Policy DM2 – Low Carbon Development and Efficient Use of Resources; Policy DM3 – Efficient and Effective Use of Land; Policy DM5 – Historic Environment; Policy DM7 – Dwelling Mix, Size and Type; Policy DM8 – Residential Standards; DM10 – Employment Sectors; Policy DM11 – Employment Areas; Policy DM15 – Sustainable Transport Management.

6.4 Design & Townscape Guide (2009).

- 6.5 Planning Obligations (2010)
- 6.6 CIL Charging Schedule 2015, Regulation 123 List
- 6.7 National Housing Technical Standards 2015
- 6.8 Southend and Central Area Action Plan (SCAAP) Revised Proposed Submission Document (2016). Policies PS8, DS2 and DS3.

7.0 Representation Summary

- 7.1 **Essex and Suffolk Water** - Our records show that we do not have any apparatus located in the proposed development. This is not in our area of mains. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.
- 7.2 **Airport Director** – No safeguarding objections to proposal. If a crane or piling rig is required for construction then airport safeguarding to be considered separately.
- 7.3 **Environment Agency (EA)** – The applicant has overcome the EA’s initial holding objection by confirming that the development will be connected to the main sewer.
- 7.4 **Fire Brigade** – Comment on hydrant provision and fire appliance access required to meet Building Regulations
- 7.5 **Natural England** - The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England’s comments are:

Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Benfleet & Southend Marshes (SPA and Ramsar) has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site’s conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Benfleet & Southend Marshes SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England

This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the Conservation of Habitats and Species Regulations 2010 (as amended), (The Habitat Regulations) and Section 28(1) of the Wildlife and Countryside Act 1981 (as amended).

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in

terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

7.6 **Traffic and Highways** – The following comments take on board revisions made to the scheme to address queries and initial points of concern :

Access

The proposal has been amended in response to initial officer concerns about access/ egress arrangements, particularly conflict of the west egress with Fairfax Drive and Prittlewell Chase. A Stage 1 Road Safety Audit has been completed which has been demonstrated using swept path analysis that large vehicles can exit in one manoeuvre onto Fairfax drive in either direction. Proximity to existing junctions and traffic islands have been all been assessed and considered acceptable. In addition a small traffic island is now proposed on the eastern access point coupled with kerb re-alignment and a splitter island to be constructed within Fairfax Drive itself to prevent right turn vehicle movements into or out of the eastern access whilst maintaining satisfactory bus swept path movement at the Fairfax Drive/Prittlewell Chase junction together with maintained operational integrity of the yellow box markings. This approach has been reviewed by the Council’s Road Safety Team and is considered to be acceptable and will ensure the free flow of traffic on Fairfax Drive and Prittlewell Chase.

Traffic generation

Consideration has been given to the previous use of the site which was formally Prospects College, a vehicle hire company overflow parking and now is a storage facility for construction materials. All previous uses have generated a significant number of daily vehicle movements utilising a similar western egress onto Fairfax Drive as the proposed development. When comparing the previous uses with the proposed use there is an increase in the vehicle movements generated as a result of the development but this is not considered to have a detrimental impact upon the public highway in the vicinity and surrounding areas of the site. The site benefits from being in a sustainable location regard to public transport with good links to bus and rail services in close proximity and the additional of the Prittlebrook cycle route network that provides wider access to the town centre and Leigh on Sea.

Car Parking

The development provides 92 (one to one) parking spaces in line with the Council’s policy and the proposal has been amended to incorporate 10% active Electric Vehicle (EV) parking spaces and a further 10% of the total parking spaces

with passive EV charging points which is welcomed.

The proposal has been amended to include a raised table formal square designed to prevent indiscriminate parking within the access road circulation route intended to deter vehicles from parking inappropriately within the development site. The applicant should be made aware that failure to control parking within the site may lead to large vehicles such as refuse freighters having difficulty access the site as such a parking management scheme for the site is requested which can be secured through a planning condition.

Cycle Parking

Covered facilities for 100 cycles are provided within the development. The applicant is advised to ensure these cycle spaces are secure. This can be secured by a planning condition.

Travel Packs

Travel Packs will need to be provided for each residential unit, to include but not be limited to maps of the local area, bike routes, walking routes, bus stop locations, train station locations etc. Also to include free bus and rail tickets for the residents to use to encourage them to use public transport.

Servicing

Refuse storage has been provided within each residential block. The applicant will be required to contact the Council's waste service provider, Viola to ensure that access is granted to the secure refuse storage areas to enable waste collection. The waste contractor will also seek assurances that the road structure will be suitable to accommodate a fully laden refuse freighter and will also need assurances that full access will be granted to the site. Inconsiderate parking which obstructs the internal operation of the site will lead to collections not being made. This will need to be addressed within the car park management scheme mentioned earlier and will be secured via condition.

Bus stops

The applicant confirms that bus stops outside the site are no longer proposed to be relocated as part of any of the proposed highway works.

Conclusion

The applicant has worked proactively with the Highway Authority during the Pre-Application process. Having reviewed the applicant's detailed application and the information supplied with the Design and Access Statement it is considered that the proposal will not have a detrimental impact on the local highway network.

Therefore given the information contained within the report no highway objections are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway.

7.7 **Design and Regeneration** – made range of design and accessibility comments

which have resulted in amendments to the originally submitted proposal.

7.8 **Environmental Health** – No objection in principle to the development. However, the Tier 1 Contaminated Land Study Report ref; CON1-046 version1 of 1 Sept 2016 have [sic] highlighted a number of potential contaminants on the site as result of its former uses and therefore conditions are recommended relating to: Further assessment of contamination, remediation of contamination, gas monitoring, underground fuel storage tanks to be removed, completion of mediation and submission of validation report prior to commencement, asbestos survey, noise mitigation measure to be implemented including for road traffic and windows otherwise subject to stadium noise, hours of work, mitigation measure for noise/dust, no burning of waste, plus informative re compliance with other regulatory frameworks.

7.9 **Strategic Housing** – The Department for People welcomes the provision of Affordable Housing. It is noted that the proposals has been revised since submission so that 28 affordable units are now provided which represents a minimum of 30% in accordance with Core Strategy Policy CP8.

In terms of the dwelling mix, the SHMA Review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages Indicated below are the affordable housing provision by bedroom size for the borough.

The percentage of affordable housing element required within the borough: -

| | | | |
|-------|-------|-------|--------|
| 1 bed | 2 bed | 3 bed | 4+ bed |
| 16% | 43% | 37% | 4% |

Further to the SHMA data above, consideration is given to the housing need as defined by the high priority bands within Southend Borough Councils Housing Register data (below).

| MinBedSize | Band A | Band B | Band C | Grand Total | % of Need (bed need) |
|-------------|--------|--------|--------|-------------|----------------------|
| 0/1 | 87 | 32 | 267 | 386 | 34.34 |
| 2 | 28 | 69 | 340 | 437 | 38.88 |
| 3 | 1 | 37 | 222 | 260 | 23.13 |
| 4 | 1 | 15 | 22 | 38 | 3.38 |
| 5 | | 1 | 2 | 3 | 0.27 |
| Grand Total | 117 | 154 | 853 | 1124 | |

It is clear that there is substantial need for 1 and 2 bedroom properties, and therefore we support the scheme in terms of the type of housing provision.

The proposal has been amended since submission to accord with the Strategic Housing Team's preference for a housing type breakdown of 17 units for affordable rent (10 x 1 bed, 4 x 2 bed and 3 x 3 bed) plus 11 units for shared ownership (8 x 1 bed, and 3 x 2 bed) and is now supported as it complies with Development Management DPD Policy DM7 which seeks a tenure mix of 60/40% (60% rented, 40% intermediate housing).

Other Comments:

Registered Providers (RP's) should be contacted as early as possible with regards to understanding their requirements. Generally RP's will prefer to have their affordable dwellings contained within one block (per tenure). Mixing affordable rent with other tenures can cause issues with service charges. It is worth noting that RP's may be interested in taking on additional units particularly where it would result in the ownership of an entire block.

We would advise that affordable housing units must meet the latest National Technical Housing standards, for more information please visit: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

It is noted that Block A/B containing the affordable housing is not served by lift access and that the applicants have made submissions in conjunction with their identified registered social landlord setting out a maintenance and tenant charges case as to why they do not propose to provide a lift in this instance because the block is no higher than three storeys.

In order to maintain accessibility for all however and "accessible" units within Block A/B should be located on the ground floor. We would also recommend that any larger family type units within Block A/B should similarly be located on the ground floor.

7.10 **Education** – Require £46,154.03 financial contribution towards secondary education on following basis. This application sits within the catchment of The Westborough Primary School and Chase High School (Secondary). Whilst primary places are tight they are available in most year groups. The secondary school pupil numbers are increasing rapidly and a programme of expansion is currently being worked through with all non-selective schools in the borough. A secondary contribution towards work at Chase High School is requested as this area of the town generally sees local resident secondary pupils attending this secondary school and from September 2018 all other secondary schools within an acceptable travel distance will be at or near capacity.

7.11 **Other consultations** - Consultations with the following were also carried out and no comments were received: Parks; Police Architectural Liaison and Community Safety officers; Anglian Water; EDF Energy; Essex Wildlife Trust; Building Control; Curator Central Museum; Drainage Engineer.

8.0 Public Consultation

8.1 The applicant was called into Committee by Cllr David Garston also with a request for a Committee site visit.

8.2 Site notices were first displayed on 5 September 2017 and 59 neighbours were notified including following revised plans. No representations have been received.

9.0 Relevant Planning History

9.1 There is an extensive planning history including applications for discharge of conditions both for the current application site and in regard to the site's part of larger development proposals for Roots Hall Stadium to the south. Most relevant are :

11/01540/RESM: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With 3 Storey Retail Food Store, 6,976m² (Net) Retail Floorspace); Incorporating Parking And Associated Servicing At Ground Floor Level, Sales Area At First Floor Level And Staff Facilities At Mezzanine Level, Erect Petrol Filling Station With Kiosk, Cycle Parking, Form Vehicular Accesses / Egresses Onto Fairfax Drive, Roots Hall Avenue And Victoria Avenue And Modify Access To Shakespeare Drive For Emergency And Pedestrian Only Access, Lay Out Associated Landscaping And Erect Retaining Walls To Southern Part Of Site (Approval Of Reserved Matters Following Grant Of Outline Permission 07/01111/Out Dated 24/06/11) Prospects, Fairfax Drive, 299,301,341-365,1-37 St. Marys Court, Roots Hall Victoria Avenue Approve reserved matters – **Approved**

08/00272/RSO: Redevelop Site With Retail Food Store, Petrol Filling Station And Associated Works (Request For Screening Opinion) – **Screening/ Scoping Opinion issued**

07/01111/OUTM: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With Retail Food Store At First Floor Level (10,113 Sq. Metres); And Petrol Filling Station With Kiosk, Two Standalone Units Fronting Fairfax Drive For Class A3, A4,B1 And D1 Uses, A Total Of 272 Residential Units Comprising Flat, Semi Detached And Terraced Houses (Including Affordable Housing), Layout Parking Spaces (Some Below Buildings) And Lay Out Security Areas, Form Vehicular Accesses / Egresses Onto Fairfax Drive, Roots Hall Avenue And Victoria Avenue And Modify Access To Shakespeare Drive For Emergency And Pedestrian Only Access, Lay Out Associated Landscaping And Erect Retaining Walls To Southern Part Of Site – **Approved**

06/01335/OU: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With Retail Food Store At First Floor Level (9290 Sq. Metres); And Development Of Up to 7 Storeys Incorporating 402 Residential Units Including Affordable Housing, 8 Retail Units (Class A1), Fitness Club, Lay Out Parking Spaces And Servicing Area, Associated Landscaping And Form Vehicular Accesses Onto Fairfax Drive, Victoria Avenue And Roots Hall Avenue (Outline) - **Approved**

05/00909/FU: Site Temporary Building In Car Park For Training Purposes – **Approved**

92/0906: Erect Two Storey Extension To And Alter Elevations Of Main Building And Erect Detached Workshop All In Connection With Use As Industrial Training Workshop (Class D1) With Incidental Industrial (Class B1 And B2) And Storage (Class B8) Uses.- **Approved**

92/0655: Erect Two Storey Extension To And Alter Elevations Of Main Building And Erect Detached Workshop All In Connection With Use As Industrial

Training Workshop (Class D1) With Incidental Industrial (Class B1 And B2) And Storage (Class B8) Uses - **Approved**

Recommendation

10.0 Members are recommended to:

(a) Resolve that had the application not been appealed for non-determination they would have determined 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 following:

- **A minimum of 28 units of affordable housing units, of which 17 (10 x 1 bed, 4 x 2 bed and 3 x 3 bed) shall be for affordable rent or social rent and 11 (8 x 1 bed and 3 x 2 bed) shall comprise shared ownership dwellings**
- **Contribution of £46,154 towards secondary education**
- **Traffic Regulation Order contribution of £4,000**

(b) Upon completion of the obligation planning permission would have been granted subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of the original permission (7th March 2018).

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

02 The development shall be carried solely out in accordance with the approved plans: AP234: P001 Rev D (Landscape and semi basement), P002 Rev D (Ground and Upper Ground Floor), P003 Rev D (First Floor), P004 Rev D (Second Floor), P005 Rev D (Third Floor), P006 Rev D (Fourth Floor), P007 Rev D (Roof Plan/ Street Elevation), P008 Rev D (Elevations Sheet 1), P009 Rev D (Elevations Sheet 2), P0010 Rev D (Elevations Sheet 3), AP 234 P201-P240 (Flat types 1 to 40).

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 lower ground floor (parking) 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 and fenestration, have been submitted to and approved in writing by the local planning authority. Development shall only be carried out in full 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 policies DM1 and DM3 of the Development Management DPD 2015.

- 04** No construction works above the lower ground floor (parking) floor slab level shall take place until full details of both hard and soft landscape works to be carried out in accordance with this permission 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 hard landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development. (or within any other time limit agreed in writing with the local planning authority). If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy 2007, Policy DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide 2009

- 05** The development hereby approved shall be carried in accordance with drawing AP234-P0002 Revision D dated 20/12/17 Ground and Upper Floor Plan in relation to the highways works and new access road shown for the development in accordance with a timescale that has been submitted to the local planning authority and approved in writing before the development is first occupied.

Reason: In the interests of highways management and safety in accordance with Core Strategy (2007) policy KP2, CP3, CP4; Development Management Document (2015) policies DM13 and the advice contained within the Design and Townscape Guide (2009).

- 06** The development shall not be occupied until 92 car parking spaces, of which 10 shall be for disabled users, have been provided at the site in accordance with drawings AP234-P001 Revision D (dated 20/12/17) Landscape and Semi-Basement Parking and AP234-P0002 Revision D (dated 20/12/17) Ground and Upper Floor Plan, together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to

serve the development in accordance with policy CP3 of the Core Strategy (2007) and policy DM15 of the Council's Development Management Document (2015).

- 07 The development shall not be occupied until details of all balcony and terrace areas within the development and how they will be served by privacy screens have been submitted to and approved in writing by the Local Planning Authority. The screens, as approved, shall be erected prior to first occupation of those balconies/ terrace areas, and retained thereafter in perpetuity. No flat roof areas within the development shall be used for the purposes of a sitting out, balcony or amenity area unless it has been specifically approved as part of the above details.

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 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.

- 08 The development shall not be occupied until a waste management plan for the dwellings 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 solely in accordance with the approved details including the provision of all refuse storage facilities which shall be maintained in perpetuity.

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.

- 09 The development shall not be occupied until the secure, covered cycle parking spaces to serve the development as shown on drawings AP234-P001 Revision D (dated 20/12/17) Landscape and Semi-Basement Parking and AP234-P0002 Revision D (dated 20/12/17) Ground and Upper Floor Plan have been provided at the site in full accordance with the approved plans. The approved scheme shall be permanently maintained 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.

- 10 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.
- vii) hours of work

Reason: A pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring 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.

- 11** No development, other than demolition and site clearance works, shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works incorporating Sustainable Urban Drainage (SUDS) Principles have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is occupied and brought into use and be managed and maintained as such thereafter. 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 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.

- 12** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. 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 Development Management Document policy DM2.

- 13 Before the development is occupied or brought into use, the dwellings in blocks C and D/E hereby approved shall be carried out in a manner to ensure that the development complies with building regulation M4 (2).**

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).

- 14 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 shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and be retained as such in perpetuity.**

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).

- 15 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, the development hereby granted consent shall not be occupied or brought into use unless and until plans are submitted to the Local Planning Authority and approved in writing which clearly specify all the windows and other openings in the development that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. The development hereby permitted shall be implemented in full accordance with the details approved under this condition before it is first occupied or brought into use and shall be permanently retained as such thereafter. The windows included within such agreed scheme shall be glazed in obscure glass which is at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority. Top hung lights agreed within such scheme shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained in accordance with the agreed details in perpetuity thereafter.**

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning

Policy Framework, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) 2015 policy DM1 and advice contained within the Design and Townscape Guide SPD1.

- 16
- a) Prior to development (including site clearance; construction; demolition etc.) commencing, detailed intrusive investigation must be undertaken on the site and the result, in the form of a Phase II contaminated land assessment report submitted to the LPA for approval. The investigation must include detailed soil sampling for a suite of hydrocarbons (including PAHs and TPHs); heavy metals and asbestos. The investigation must be undertaken by a competent person as stipulated in the National Planning Policy Framework, Annex 2 and in accordance with BS10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA 'Model Procedures for the Management of Land Contamination - CLR 11.
 - b) If any contaminant is found on the site to be above the relevant standard, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) Due to the potential for ground gas migration from the former nearby sand pit, gas monitoring must be undertaken in accordance with the methodology outlined in the Tier 1 Contaminated Land Study Report in order to assess the risk of ground gas at the site. Where elevated levels of gas are detected on the site, adequate gas protection measures must be undertaken to prevent gas ingress into the building(s).
 - d) All underground fuel storage tanks present on the site must be removed and disposed off-site. The waste transfer certificate must be included in the validation report.
 - e) All approved remediation works must be implemented in their entirety prior to development commencing unless otherwise agreed in writing by the LPA.
 - f) Unless otherwise agreed in writing by the LPA, a validation report shall be submitted to the LPA prior to development commencing. The report shall contain details of the works carried out to make the site suitable for the intended development and a demonstration of the effectiveness of the remediation works undertaken.

Reason: To ensure that risks from land contamination to the future users of

the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015)

- 17 All the noise mitigation measures outlined in the Environmental Noise Assessment Report No. ENV1-SOUT-040 version 1 of 7 July 2017 to protect future residents of the building from the impact of vehicular noise along Fairfax Drive and noise from football stadium activity must be implemented in their entirety prior to occupation of the buildings hereby approved to achieve an internal noise level of no greater than 30dB and the approved measures implemented shall be maintained in perpetuity.

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 The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be occupied in accordance with the agreed management plan.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015)

- 19 With reference to British Standard 4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at this site in accordance with this consent shall be at least 5dB(A) below the prevailing background noise level at 3.5 metres from ground floor façades 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 KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015.)

- 20 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development shall not to commence unless and until details of the levels of the proposed building, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details approved under this condition before it is first

occupied or brought into use.

Reason: A pre-commencement condition is needed to ensure that the development is carried out at suitable levels in relation to adjoining land and the highway having regard to drainage and the amenities of the area and neighbouring occupiers.

- 21** Before the development hereby approved is occupied bird and bat boxes shall be installed at the site in accordance with the Page 16 recommendations on Page 16 of the Phase 1 Habitats Survey (extended) by Wildlife Matters dated 15 June 2017 submitted with this application. The installed boxes shall be permanently maintained thereafter.

Reason: To ensure that the development contributes to local ecology in accordance with the national Planning Policy Framework, Policy KP2 and CP4 of the Council's Core Strategy (2007)

- 22** No development shall commence unless and until details of the works to provide access to the site and associated alterations to the public highway consistent with Drawing No AP234-P0002 have been submitted to and approved in writing by the Local planning Authority. The approved works shall be implemented in full accordance with the approved details before any of the dwellings hereby approved is first occupied.

Reason: To ensure that traffic flow generated by the approved development does not prejudice the free flow and safety of traffic movement outside the site in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

Informatives

- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. 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.

- 2** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the

statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.

- 3 You are advised that a Highways Licence/Agreement needs to be in place before any works are carried out to the public highway and any works to public transport infrastructure (e.g. bus stops) will need to be carried out by a Council approved contractor.**
- 4 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.**
- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**
- 6 In relation to condition 06 above, the works to existing highway will require a Section 278 agreement or Highways Licence.**