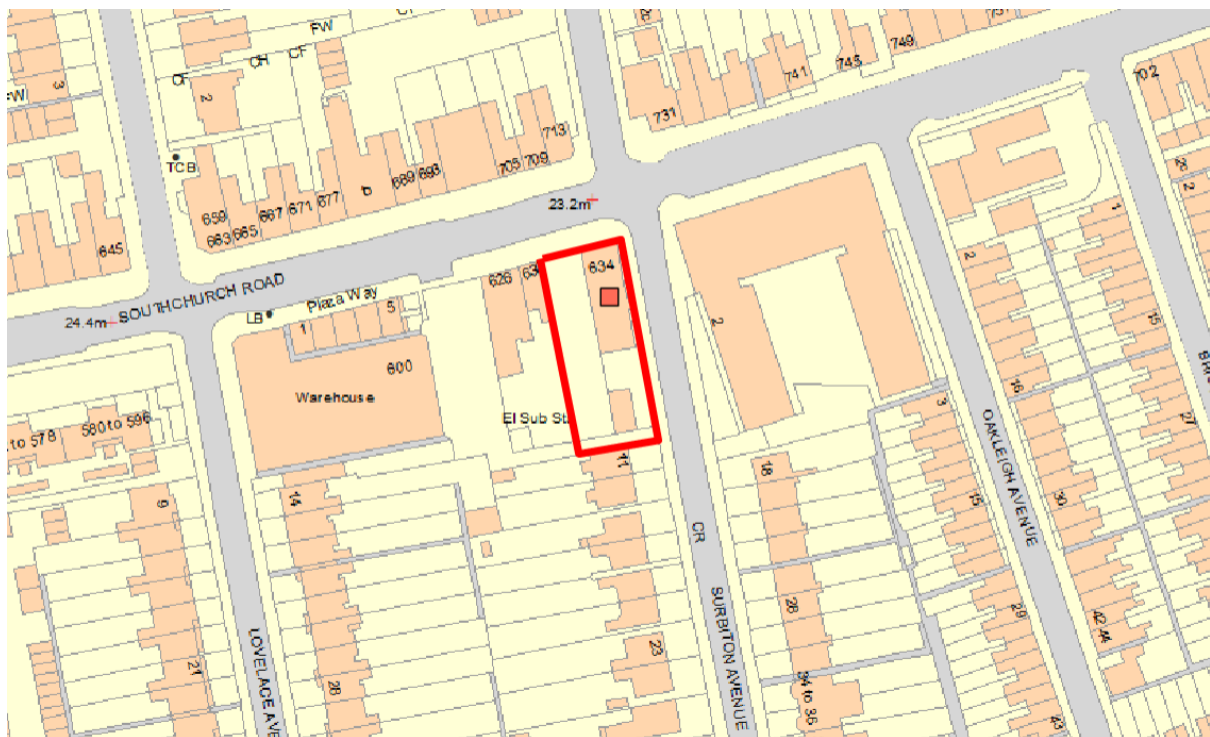


Reference:	17/01180/FULM	
Ward:	Kursaal	
Proposal:	Demolish existing building, erect four storey building comprising part commercial unit to ground floor, 14 self-contained flats with balconies, roof terrace to front and side and layout parking	
Address:	636 Southchurch Road, Southend-on-Sea	
Applicant:	Southchurch Holdings Ltd	
Agent:	DAP Architecture	
Consultation Expiry:	27.10.2017	
Expiry Date:	11.07.2018	
Case Officer:	Kara Elliott	
Plan Nos:	621.001.00, 621.002.00, 621.003.00, 621.200.01, 621.201.03, 621.202.02, 621.203.02, 621.204.02, 621.205.02	
Recommendation:	Delegate to the Director of Planning and Transport or the Group Manager Planning and Building Control 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 Planning permission is sought to demolish the existing buildings and construct a four storey building comprising part commercial unit to ground floor and 14 self-contained flats with balconies, roof terrace to front and side and layout parking.

1.2 The details of the scheme are summarised as follows:

Residential Units	4 x 1 bedroom (2 persons) 52m ² - 57m ² 7 x 2 bedrooms (3/4 persons) 67m ² - 88m ² 3 x 3 bedrooms (5/6 persons) 93m ² - 111m ²
Commercial Unit	152m ² (A1 use)
Parking	14 car parking spaces (one per residential unit) 14 secure internal cycle parking spaces (one per residential unit)
Amenity space	60m ² first and second floor balconies (one per flat, flats 1 - 12) 33m ² roof terrace (flat 13) 41m ² roof terrace (flat 14)
Height (max)	4 storey (10m to 13.7m)
Width	17.8m
Depth	Between 33.6m and 41.45m

1.3 The proposed development will include the following accommodation;

Plot No.	Floor	Unit Size	Part M compliance	Area (m ²)
1	G/1	3 B 5 P	M4(2)	93
2	G/1	3 B 5 P	M4(2)	93
3	1	2 B 4 P	M4(2)	70
4	1	2 B 4 P	M4(2)	70
5	1	1 B 2 P	M4(2)	57
6	1	2 B 3 P	M4(2)	70
7	2	2 B 4 P	M4(2)	70
8	2	2 B 4 P	M4(2)	70
9	2	1 B 2 P	M4(2)	52
10	2	1 B 2 P	M4(2)	52
11	2	1 B 2 P	M4(2)	52
12	2	2 B 3 P	M4(2)	67
13	3	2 B 4 P	M4(3)	88
14	3	3 B 6 P	M4(2)	111

- 1.4 The proposed four storey building would have flat roofs and would have a contemporary appearance owing to its straight lines, large expanses of glazing, varying heights of projecting flat roof elements and the use of modern materials for design features such as vertical metal cladding at the top floor. Balconies are proposed to the front and east side elevations. The third floor would contain the largest accommodation with a two bedroom (four person) unit (M4(3) building regulations fully wheelchair accessible) and a three bedroom (six person) unit; each with a large private roof terrace. The commercial unit would have a door to the centre of the front elevation facing Southchurch Road with the rest glazing to the rest of the frontage, wrapping around to the east elevation.
- 1.5 In terms of access, pedestrian access for the flats would be taken from Surbiton Avenue at the side of the building to a communal entrance lobby with the option of stairs or lift access to all floors. Pedestrian walkways would be located across the west side elevation, providing access to the first and second storey flats, accessed from within the building. Vehicular access would be taken from Surbiton Avenue at the rear of the site to a car park within the site, providing parking spaces for 14 vehicles. Separate refuse and recycling storage areas for the commercial and the residential parts of the building would be provided at the east side elevation at ground floor behind gates.
- 1.6 Secure cycle parking is proposed within the lobby at ground floor, providing 14 spaces for the future occupiers. No car or cycle parking is provided for the commercial unit.

2 Site and Surroundings

- 2.1 The application site amounts to 0.082 hectares and is a prominent corner position at the junction of Southchurch Road and Surbiton Avenue, Southend-on-Sea. To the east of the site on the opposite side of Surbiton Avenue is a large four storey development with commercial at ground floor and residential above. Two storey semi-detached properties are located to the rear fronting Surbiton Avenue. Rows of two storey buildings with commercial at ground floor with flats above are located opposite the site within Southchurch Road. 626 – 630 Southchurch Road is located to the west of the site and contains a three storey building consisting of a hardware shop at ground floor with residential flats above.
- 2.2 The existing building to be demolished contains an A1 shop with vacant office accommodation at first floor. The existing building has a floor area of approximately 200m², reaches a height of 8.6 metres from ground, is approximately 8 metres wide and has an overall depth of approximately 24 metres. A small block of three lock-up garages is located to the rear of the site which will also be demolished to make way for the proposed development.
- 2.3 The wider streetscene is a mixture of scales and designs. Southchurch Road is considered to be a vibrant shopping street, with the designated secondary shopping frontage area located opposite the site. The land has a slight gradient from lower to higher ground from north to south (approximately a meter difference from the rear of the site to the front).
- 2.4 The application site is not located within a Flood Zone, a designated Shopping Frontage area or Conservation Area and does not relate to any Listed Buildings.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the streetscene, residential amenity for future and neighbouring occupiers, traffic and highway implications, sustainability and developer and CIL contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF); Core Strategy Policies KP1, KP2, CP1, CP2, CP4, CP8; Development Management Document Policies DM1, DM3, DM7, DM8, DM11 and the Design and Townscape Guide (2009)

Principle of Residential Development

- 4.1 The site is previously developed land and it is therefore relevant to Core Strategy policy CP8, which supports the provision of dwellings on such land; subject to detailed considerations where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.
- 4.2 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*
- 4.3 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes, maximising the use of urban land. The NPPF states that development should; *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.
- 4.4 The first floor of the existing building is currently vacant office space; amounting to 96m². It is therefore considered necessary to assess its loss. Outside of the designated Employment Areas (as defined within the Development Management Document), proposals for alternative uses on sites used (or last used) for employment purposes, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes or if use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems.
- 4.5 The applicant has stated that the first floor offices have been vacant for eight years following unsuccessful marketing campaigns. A local estate agent has confirmed this information and states that the office space is not in a lettable condition.

The benefits of the proposed development are considered to outweigh the loss of the office space. On this basis it is considered that the loss of the B1 office space is not objected to in this instance.

Principle of A1 Use

- 4.6 The proposed development involves the creation of an A1 unit at ground floor. Whilst the application site is not located within a Primary or Secondary Shopping Frontage Area, the proposed A1 unit would maintain an active shopping frontage at ground floor along Southchurch Road, as well as part of Surbiton Avenue.
- 4.7 This is consistent with surrounding development within Southchurch Road and is acceptable in principle.

Dwelling Mix

- 4.8 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. A range of dwelling types would provide greater choice for people living and working in Southend and it would promote social inclusion. The Council seek to promote a mix of dwellings types and sizes as detailed below. The dwelling mix of the application is also shown in the table below;

Dwelling size: Bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings (Policy DM7)	9%	22%	49%	20%
Proposed Development (% / (units))	28.6% (4)	50% (7)	21.4% (3)	0% (0)

- 4.9 The proposed development would result in 4 x 1 bed (2 person) flats, 7 x 2 bed (3/4 person) flats and 3 x 3 (5/6 person) flats. Whilst the proposed development does not strictly accord with the dwelling mix identified in Policy DM7, it is considered that the units proposed incorporate a good mix of dwelling sizes and types; including one bedroom apartments, large 3 bedroom penthouse accommodation (suitable for families and one fully wheelchair accessible) as well as 2 no. duplex apartments (Flats 1 and 2). The proposed dwelling mix is also considered to be in accordance with the context of the proposed three storey building and similar development within the locality.
- 4.10 Paragraph 50 of the National Planning Policy Framework states that ‘*plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community*’. Therefore, on balance, in this particular instance, the dwelling mix as proposed, whilst not strictly in accordance with policy DM7, taking into account the abovementioned factors, the market trend in the area and the fact that it is a relatively small scheme, is considered adequate.

Affordable Housing

- 4.11 Policy CP8 of the Core Strategy explains that residential development proposals will be expected to contribute to local housing needs, including affordable housing. It states that; *“All residential developments of 10-49 dwellings will be expected to provide not less than 20% of the total number of units on site as affordable housing.”*
- 4.12 The applicant is seeking not to provide any affordable housing on viability grounds. A viability statement has been submitted with the application and independently appraised and it is accepted that the proposal cannot viably make a contribution to affordable housing.
- 4.13 It is accepted that in this instance provision of affordable housing cannot be justified as part of the development. However, this is not a positive element of the proposal. Details of the viability assessment and affordable housing provision are discussed subsequently in more detail in ‘Developer Contributions’ section of this report.
- 4.14 In light of the above, it is considered that the principle of the proposed development is acceptable. The issues relating to the design, as well as other material planning considerations, including impact on future neighbours’ amenities, living conditions of future occupiers, sustainability, planning obligations, CIL, highway safety and parking standards are further discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and the Design and Townscape Guide (2009)

- 4.15 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy Policies KP2, CP4 and CP8.
- 4.16 The core planning principles of the NPPF include to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.17 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.

- 4.18 Policy DM3 states that; *“The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.”* Moreover, policy DM1 states that development should *“Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.19 The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant in the streetscene and development which is under scaled will appear weak and be equally detrimental (Design and Townscape Guide 2009).
- 4.20 The existing building on part of the site is not Listed, nor located in a Conservation Area. Hence its demolition to enable redevelopment is considered to be acceptable in principle.
- 4.21 The existing site is partly vacant and partly occupied by a two-storey building consisting of a shop at ground floor and vacant office accommodation above. In terms of the streetscene, to the east is a modern mixed use development of four storeys which provides retail uses at ground floor facing Southchurch Road and residential units to the rear and on the upper floors. This is one of a number of recent developments along Southchurch Road of this scale and form. To the west of the site is a more traditional development of three storeys with a flat roof. To the south of the site Surbiton Avenue contains traditional residential houses with distinctive repetitive bays and gable features.
- 4.22 The wider streetscene is a mix of scales and designs which is considered to contribute to the existing character of Southchurch Road and its role as a vibrant shopping street. There is no objection in principle to the loss of the existing building which is not considered to particularly contribute positively to the character and appearance of the application site or the wider area.
- 4.23 In terms of its scale and height, the proposed development references the scale of the block to the east. In particular, it is considered that the setbacks to the front and to the south assist in reducing the scale and mass where the site adjoins lower development and helps to integrate the mass and form of the development into the streetscene. In addition, the stepping of heights at the southern end is considered to reference the building lines of the adjacent two storey houses and reduces any dominant, bulky visual impacts at this part of the site; providing an acceptable transition between built form.
- 4.24 The large shopfront windows which wrap around the corner of the building at ground floor are considered a positive element of the proposed development as it is plainly commercial in appearance, in continuation of the streetscene and neighbouring development i.e. 662 Southchurch Road. Whilst bin stores are proposed to part of the side elevation, the ground floor ensures a good level of active frontage at street level within Southchurch Road and Surbiton Avenue.

- 4.25 Only three of the 14 vehicular parking bays will be visible from the streetscene (within Surbiton Avenue); the remaining parking spaces are located out of view from the public vista accessed via undercroft parking at the rear of the site. Whilst the three visible spaces are not ideal for large scale blocks, due to the presence of existing parking in this location and the inclusion of a small section of soft landscaping between the parking bays and the development, no objection is raised in this instance.
- 4.26 In terms of fenestration, openings are appropriately proportioned and positioned within the building and are considered to integrate into the streetscene. In terms of legibility, the pedestrian entrance is clear within Surbiton Avenue and full height windows above assist in making this part of the development a key feature.
- 4.27 The proposed materials to be used in the construction of the development have been submitted for consideration within a materials schedule including;
- External walls
- Red/brown stock brickwork
 - White Render
 - Powder coated metal cladding
- Roofs
- Single ply flat roof membrane
- Windows and Doors
- Powder coated aluminium windows and doors
- Features
- Permeable paving to parking areas (Marshalls – Driveset Tegular Priora)
- 4.28 With regard to materials, the use of red stock brickwork for the main walls with white render detailing to the projecting elements is considered acceptable and reflects materials observed nearby. The dark grey zinc coloured cladding is also not objected to and provides interest to the design features and lessens the impact of the upper floor. Aluminium powder-coated window and door frames are proposed which are also considered acceptable in this location and contribute to the contemporary appearance of the building.
- 4.29 Overall the proposed development is considered to be appropriately scaled for this location and of an appropriate design. It is therefore considered acceptable and policy compliant in these regards.

Impact on Residential Amenity

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Development Management (2015) Policies DM1 and DM3, and Design and Townscape Guide (2009).

- 4.30 Policies DM1 and DM3 of the Development Management Document and 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. 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.
- 4.31 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):
- 4.32 *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”*
- 4.33 Due to the height of the proposed development located immediately adjacent to the neighbouring property of 11 Surbiton Avenue and the lack of openings to the north side elevation, it is considered that the development would not result in an obtrusive or overbearing form of development which causes an unacceptable sense of enclosure to the detriment of amenities enjoyed by existing residential occupiers. Nor is it found that there would be unacceptable overlooking or a loss of privacy. Furthermore, it is not considered that the proposed development will be harmful to the amenities of occupiers to the immediate north, east or west of the site taking into account the overall separation distances and given the nature and comparative impact of the existing buildings on site in terms of overall scale, height and bulk.
- 4.34 In addition, due to the proposed access remaining in the same position as the existing i.e. located at the rear adjacent to no.11, and considering that vehicular movements for the commercial use could be similar to or in excess of the movements of the occupiers of fourteen flats, it is not considered that the proposed access would result in demonstrable harm to the amenities of the neighbouring occupiers from noise and disturbance.
- 4.35 The proposed walkways for pedestrians to access the flats from the car park within the site are not considered to result in unacceptable loss of privacy or demonstrable overlooking to neighbouring dwellings due to separation distances to adjacent buildings i.e. approximately 20 metres to the side of no.626 Southchurch Road and approximately 9 metres to 630 Southchurch Road and as these areas are only for providing access i.e. are not conducive for using as private sitting out areas due to their communal use as access paths and narrow widths. Furthermore, the windows facing west largely serve non-habitable rooms.
- 4.36 The development is found to be acceptable and in compliance with the NPPF, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the guidance contained within the Design and Townscape Guide (2009) in regards to the protection of the amenities of neighbouring occupiers.

Living Conditions for Future Occupiers / Amenity Space

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide, National Technical Housing Standards.

4.37 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size; 1 bedroom (1 person) 37sqm-39sqm, 1 bedroom (2 persons) 50sqm, 2 bedroom (3 persons) 61sqm, 2 bedrooms (4 persons) 70sqm, 3 bedrooms (4 persons) 74sqm, 3 bedrooms (5 person) 86sqm, 3 bedrooms (6 person) 95sqm.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

4.38 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.

4.39 The internal floorspace of each flat is as follows;

Plot No.	Floor	Unit Size	Part M compliance	Area (m ²)
1	G/1	3 B 5 P	M4(2)	93
2	G/1	3 B 5 P	M4(2)	93
3	1	2 B 4 P	M4(2)	70
4	1	2 B 4 P	M4(2)	70
5	1	1 B 2 P	M4(2)	57
6	1	2 B 3 P	M4(2)	70
7	2	2 B 4 P	M4(2)	70
8	2	2 B 4 P	M4(2)	70
9	2	1 B 2 P	M4(2)	52
10	2	1 B 2 P	M4(2)	52
11	2	1 B 2 P	M4(2)	52
12	2	2 B 3 P	M4(2)	67
13	3	2 B 4 P	M4(3)	88
14	3	3 B 6 P	M4(2)	111

- 4.40 Each unit would meet or exceed the national space standards and every unit would be built to building regulations M4(2) standard for 'accessible and adaptable dwellings', with the exception of flat 13 which would achieve the M4(3) standard for a fully wheelchair accessible dwelling. The development would provide good-sized accommodation for future occupiers. Furthermore, all habitable rooms will be provided with windows to provide natural light, outlook and ventilation. It is considered that the standard of accommodation is good and would not be to the detriment of the living standards of the future occupiers. This is in compliance with National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 and the National Technical Housing Standards and advice contained within the Design and Townscape Guide.
- 4.41 It is considered that the proposed layout offers permeability for pedestrians throughout the entire site, including cycle parking within the site which is easily accessed within the ground floor lobby. It is considered that the layout of the development would provide a good living environment for future occupiers which is not cramped or contrived.
- 4.42 One of the core planning principles of 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"*. Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space. Whilst no communal garden is provided, each unit would benefit from balconies or a large roof terrace (plots 13 and 14) which would provide an acceptable level of private amenity space and in most instances a sitting-out area.

Due to the good standard of internal accommodation, balconies or terraces for each unit and the external communal garden space described above. It is considered that the development includes acceptable private amenity spaces for the benefit of future occupiers.

- 4.43 For the reasons above it is considered that the proposal would result in appropriate development of the site and would result in a good standard of accommodation in compliance with the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009). The proposal is therefore acceptable and policy compliant in these regards.

Highways and Transport Issues

National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009)

- 4.44 Policy DM15 of the Development Management Document states: *“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.*
- 4.45 It should be noted that the Parking Standards are expressed as a maximum and local and national guidance encourages reduction in the reliance on the car and promotes methods of sustainable transport. The adopted Vehicle Parking Standards state that at least one space should be provided for the proposed dwellings; amounting to 14 off-street parking spaces. The parking court located within the application site would provide off-street parking in satisfaction of the requirement, as well as safe and secure cycle parking within proposed building at ground floor lobby. Furthermore, the site is considered to be within a sustainable location, within short walking distance to services and facilities within Southchurch Road, as well as close to the centre of Southend which is a 15-20 minute walk away.
- 4.46 The vehicle access to serve the development will utilise the existing access on site from Surbiton Avenue, providing access to the 11 parking spaces within the site. No objections have been raised by the Councils Highway Officer in relation to the parking provision and vehicle crossover from Grosvenor Road. There is sufficient space within the site for vehicles to exit in forward gear. Furthermore, the position of the existing vehicle crossover benefits from good visibility splays in both directions and therefore is considered acceptable and not detrimental to pedestrian or highway safety. In addition, the access would remain open as per the existing situation for access to the rear of 626 – 630 Southchurch Road.

- 4.47 The existing ground floor retail unit measures 195m² and requires a maximum of 14 off-street parking spaces, as per the adopted Vehicle Parking Standards (1 space per 14m²). Currently, areas of hardstanding providing off-street parking spaces for approximately four cars are provided at the rear of the site, with three lock-up garages potentially providing a further three. A maximum of 11 spaces are required for the proposed retail unit (152m²).
- 4.48 No off-street parking is proposed for the retail unit. However, in consideration of the availability of local services and facilities within walking distance of the site, good public transport options and the benefit of providing sustainable development, it is considered that on balance, the provision of no on-site parking for the retail unit is acceptable.
- 4.49 For these reasons the development is unlikely to cause additional on street parking to the detriment highway safety and the local highway network. Furthermore, the Council's Highways Engineer does not objected to the lack of off-street parking for the retail unit.
- 4.50 The proposed development provides safe access and egress within the site and is not considered to cause additional on street parking to the detriment of highway and pedestrian safety and the local highway network. The proposed development is therefore found to be acceptable and Policy compliant in its parking and highway safety implications.

Waste Management

- 4.51 The proposed bin stores are separate for the residential and commercial uses and are to be located at the side of the building, behind lockable gates with easy access of Surbiton Avenue, in accordance with DM8 of the Development Management Document. In addition, this area would benefit from sufficient access to ensure the bins can be moved from the communal bin store and will not be obstructed. Each flat occupier will be responsible for bringing their waste down to the communal bin store and sorting the waste in to the relevant designated bins. It is considered that a waste management plan for the development should be required through a condition.

Cycle storage

- 4.52 14 cycle spaces are proposed within a secure location within the ground floor of the building. The cycle parking provision is policy compliant with policy DM15 of the Development Management Document. Whilst no cycle parking is proposed for the ground floor retail use, it is considered that due to the minor scale of the proposed floorspace for the commercial use (152m²) and the parking standard for A1 uses (food and non-food) being 1 space per 400m², it is considered that the lack of cycle parking is acceptable in this instance. Furthermore, the application site is located within a sustainable location whereby public transport options and walking distances to a wide range of services and facilities are short.
- 4.53 Subject to the above, the proposal is considered to comply with the relevant highways policy in terms of access and level of parking provision, servicing and cycle/refuse storage.

Sustainable Construction

National Planning Policy Framework; Core Strategy (2007) policies KP2, Development Management Document Policy DM2 and the Design and Townscape Guide (2009).

Renewable Energy

- 4.54 Policy KP2 of the Core Strategy states; “*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*” and that “*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*”. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 4.55 Policy DM2 of the Development Management Document is clear that there is an identified need for increased water efficiency measures to be integrated into new developments to take account of the water resourcing issues identified in Essex. In particular, part (iv) of Policy DM2 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. On a national level, the NPPF states that in order to support a low carbon future, Local Planning Authorities should set sustainability standards in a way consistent with the Government’s zero carbon buildings policy and adopt nationally described standards. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.
- 4.56 The applicant has submitted details stating that the roofspace will successfully provide solar PV panels in compliance with policy KP2 of the Core Strategy and policy DM2 of the Development Management Document. Whilst the calculations of the renewable energy have not been provided at this stage, it is considered that this would be adequate to address the abovementioned requirements through the imposition of a condition. In addition, the applicant states that the proposed development will be installed with highly efficient lighting and appliances as well as windows and doors. It is considered that an appropriate condition in relation to the submission of details and features could be imposed to any positive decision in order to ensure the proposed units will achieve the 10% renewable energy requirement, as set out by Policy KP2 of the Southend Core Strategy.

Trees and Soft Landscaping

- 4.57 The existing site frontage is predominantly laid to hard surfacing. The existing open land to the west will be replaced by the proposed development. Three trees are proposed to be planted to the west boundary at the rear in order to soften the boundary of the site and the car parking area.

- 4.58 Small pockets of soft landscaping are proposed to the street frontage along Surbiton Avenue. It is considered that this would represent an enhancement of the quality of the site and surroundings, consistent with the objectives of the above policies relating to sustainability and to those requiring a high standard of design.

Drainage (SUDS)

- 4.59 In addition to the proposed soft landscaping areas, the proposed areas of hardstanding are confirmed to be of permeable surfaces i.e. block paving. A SuDs/Surface Water Drainage Assessment has been submitted alongside the application which states that the development will seek to reduce the surface water discharge rate by 50%. In addition, the development will utilise an existing combined sewer in the southern area of the site. Detailed hydraulic modelling has been carried out which demonstrates that the SuDs/surface water drainage system can withstand the impact of a 1:100 year rainfall event (including an additional 40% as an allowance for climate change); in accordance with the NPPF. The proposed development would not increase the risk of flood on site or elsewhere and incorporates a sustainable drainage scheme. It is considered that a suitable condition should be imposed to any positive decision in order to ensure the development complies with the development plan policies.

Community Infrastructure Levy

- 4.60 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The resulting total CIL contribution for this is approximately £21,622.98; based on the rate applicable for CIL Charging Zone 1.

Planning Obligations

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007) strategic objective SO7, policies KP3 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

- 4.61 Core Strategy Policy 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."

Affordable Housing

- 4.62 The Council and the applicant undertook lengthy discussions during the course of the application in relation to the ability of the development to provide affordable housing. These included exploration of the applicants fully evidenced viability assessment. Since the Applicant's initial assessment was submitted (dated September 2017), and following the comments from the independently appointed assessor (BNP Paribas), the applicant has submitted information providing further analysis and evidence to support the sites' Existing Use Value; which was initially considered unreasonable. Through providing up to date sales evidence of retail, office, market housing, garage and storage units that have sold within the last six months, it is accepted that a truer reflection of the Existing Use Value has been demonstrated. The conclusions of the updated viability assessment, which has been accepted by the Council's independent viability assessor, demonstrate that the proposal would result in a deficit and thus, the proposal would be unable to support the provision of affordable housing.

Education

- 4.63 Due to the increased demand for school places and impact on school capacity, as a result of the development, a financial contribution of £13,940.40 will be required prior to commencement towards the Secondary expansion of Shoeburyness High School. This matter can be dealt by completion of a S106 agreement.
- 4.64 The Section 106 contribution proposed is considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contribution that is set out above the development could not be considered acceptable. Therefore, if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 9.

5 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 loss of the existing B1 office use and the mix of units is found to be acceptable. The proposal would provide adequate amenities for future occupiers, 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 not considered to be such that they would cause a conflict with development plan policies. This application is therefore recommended for approval subject to completion of a S106 Agreement and to conditions.

6 Planning Policy Summary

6.1 National Planning Policy Framework

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

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

6.4 Supplementary Planning Document: Design & Townscape Guide 2009

6.5 Supplementary Planning Document: Planning Obligations 2015

6.6 Community Infrastructure Levy Charging Schedule 2015

6.7 Supplementary Planning Document: Planning Obligations: A Guide to Section 106 and Developer Contributions 2015.

7 Representation Summary

Design and Regeneration

7.1 No objections

Traffic and Transportation

7.2 No objections.

Education

7.3 No objection subject to financial contribution of £13,940.40 towards the secondary expansion of Shoeburyness High School.

Essex and Suffolk Water

7.4 Comments: Our records show that we do not have any apparatus located in the proposed development.

7.5 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.

Environmental Health

7.6 No objection subject to conditions in relation to demolition and construction.

Strategic Housing

- 7.7 No objection raised. Further comments to be provided as part of the supplemental report.

Officer comment: These comments were submitted prior to the accepted position demonstrating no affordable housing contribution was viable.

Essex County Fire & Rescue

- 7.8 No objection.

London Southend Airport

- 7.9 No objection.

Environmental Health

- 7.10 No objection subject to conditions in relation to hours of work, dust, noise emissions etc.

Public Consultation

- 7.11 A site notice was displayed on site, a press advert was published and 83 letters were sent to neighbouring properties notifying them of the proposal.

- 7.12 Eight letters of representation (two from same address) were received objecting to the development for the following reasons;

- Insufficient off-street parking;
- Loss of light to neighbouring occupiers;
- No commercial parking;
- Design of scheme unacceptable;
- Overdevelopment;
- Negative impact on local business;
- Lack of boundary treatments;
- Access inadequate and detrimental to highway and pedestrian safety;
- Local residents and staff have right of way across the access;
- Impact on sewer system;
- Limited neighbour consultation;
- Loss of view;
- Difficulty accessing the side of 626 – 630 Southchurch Road;
- Inadequate tree planting and soft landscaping

- 7.13 These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. Any right of way or land ownership issues are not under the jurisdiction of this application. Furthermore, it is confirmed that the consultation carried out met fully with the requirements of the law for consultations on an application of this nature.

8 Relevant Planning History

- 8.1 02/00719/FUL - Use first floor office (Class B1) as training and educational centre (Class D1) – Approved 25.07.2002;
- 8.2 99/00933/OUT - Erect three storey building comprising ground floor shop and two flats over and lay out eight parking spaces at rear (amended plan) – Refused;
- 8.3 98/0464 - Erect Three Storey Building Comprising Ground Floor Shop And Three Flats Over And Lay Out Nine Parking Spaces At Rear (Amended Proposal) – Refused
- 8.4 97/0924 - Erect 3 Storey Building Comprising Ground Floor Shop And 3 Flats Over And Lay Out Parking At Rear - Refused

9 Recommendation

Members are recommended to:

- (a) **DELEGATE to the Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:**

- **A financial contribution towards secondary education provision of £13,940.40, specifically for the secondary expansion of Shoeburyness High School.**

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

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

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

- 02 **The development shall be carried out in accordance with the approved plans: 621.001.00, 621.002.00, 621.003.00, 621.200.01, 621.201.03, 621.202.02, 621.203.02, 621.204.02, 621.205.02.**

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 other than demolition above 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 be carried out in full accordance with the approved details before it is occupied.

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 Document 2015

- 04** No construction works other than demolition works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, and the initial tree planting and tree staking details. The hard landscaping shall be implemented in full accordance with the approved details before any of the development is first occupied or brought into use. The soft landscaping shall be implemented in the first planting season following occupation of the development.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

- 05** No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 621.200.00 for 14 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter only for the parking of occupiers to the development and their visitors.

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

- 06** No part of the development shall be occupied until details of refuse and recycling facilities, a waste management plan and service plan have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities, waste management and servicing of the development shall thereafter be implemented in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.

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

- 07** Secure, covered cycle parking spaces for 14 cycles to serve the residential development shall be provided in accordance with drawing no. 621.200.00 prior to first occupation of the development and shall be permanently retained for cycle parking thereafter.

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

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

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding
- v) measures to control the emission of dust and dirt during construction

- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site
- vii) measures to limit noise and disturbance.

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

- 09** The Sustainable Urban Drainage (SuDs) measures as set out on pages 16 and 17 the supporting SuDS Assessment carried out by Ardent dated June 2017 shall be implemented (and thereafter managed) before any of the development is first occupied and brought into use and be maintained as such thereafter.

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 and Policy DM2 of the Development Management Document 2015.

- 10** 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 first occupation of any part 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.

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

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

- 12** Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 hereby approved comply with the Building Regulation M4(2) 'accessible and adaptable dwellings' standard and flat 13 hereby approved complies with the Building Regulation M4(3) 'wheelchair user dwellings' standard.

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, Core Strategy (2007) policy KP2, Development Management Document (2015) policies DM2 and DM8 and the Design and Townscape Guide.

- 13** Notwithstanding the details shown in the plans submitted and otherwise hereby approved the dwellings hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed building. Before any of the building hereby approved is first occupied the privacy screens shall be installed in full accordance with the agreed details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: To safeguard character and appearance of surrounding area and the amenities of residential occupiers 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.

- 14 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

Reason: To safeguard the privacy and amenities of occupiers of residential properties and the future occupiers of the proposed residential dwellings, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

- 15 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

- 16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force, the ground floor A1 retail unit hereby permitted shall not benefit from a change use to any other use without the receipt of express planning permission from the local planning authority.**

Reason: To determine the scope of the development hereby approved in the interests of protecting the amenity of occupiers of neighbouring properties, general environmental quality and in the interests of visual amenity, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the guidance contained within the Design and Townscape Guide (2009).

- 17** Prior to the commencement of the development, other than for, demolition, groundworks and site preparation works, a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic, the activities of uses neighbouring the site and any other relevant sources of noise on the future occupiers of the new dwellings in the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason: To ensure that the amenities of the occupiers of the development are not prejudiced by noise and in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

- 18** No extraction and ventilation equipment for the proposed development shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standards BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- (c)** In the event that the planning obligation referred to in part (a) above has not been completed before 11.07.2018, or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager (Planning & Building Control), authority is delegated to the Director of Planning and Transport or the Group Manager (Planning and Building Control) to refuse planning permission for the application on the grounds that the development will not secure the necessary contributions to education provision. As such, the proposal would be contrary to Policies KP2, KP3 and CP6, of the development plan.

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

detailed analysis is set out in a report on the application prepared by officers.

INFORMATIVES

- 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** 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 secondary education.
- 4** Please note that advertisements i.e. fascia signage for the commercial unit will require separate advertisement consent. Details can be found at https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs
- 5** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.