

Reference:	18/00679/AMDT	
Ward:	Victoria	
Proposal:	<p>Application to vary condition 02 (Approved Plans), condition 04 (Landscaping) and condition 05 (Parking) replacing plan number 16.563 200 P5 (Proposed site plan and street scene) with plan number 16.563 200 P6 (Proposed site plan and street scene), and replacing plan number 2244-17 rev 3 (Soft landscaping – planting) with 2244-17 rev 8 (Soft landscaping – planting) (Minor Material Amendment to planning permission 17/00821/AMDT dated 06.12.2017)</p>	
Address:	411-415 Sutton Road Southend on Sea	
Applicant:	Dove Jeffrey Homes Ltd	
Agent:	FRONT Architecture Ltd	
Consultation Expiry:	29.08.2018	
Expiry Date:	27.09.2018	
Case Officer:	Rob Lilburn	
Plan Nos:	<p>001 Location Plan 16.563 200 P6 Proposed site plan and street scene 2244-17 rev 8 Soft landscaping – planting FRNT_16.563_201_P4 Block A floor plans FRNT_16.563_202_P4 Block B floor plans FRNT_16.563_203_P4 Block C floor Plans FRNT_16.563_204_P4 Block A elevations FRNT_16.563_205_P4 Block B elevations FRNT_16.563_206_P4 Block C elevations FRNT_16.563_208_P4 Proposed overview floor plans</p>	
Recommendation:	<p>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).</p>	



1 The Proposal

- 1.1 This application seeks amendments to the scheme approved under ref 17/00821/AMDT, to demolish existing buildings, erect a 3 storey block comprising 44 flats, 252sq.m of retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated highways works.
- 1.2 The changes that are proposed involve a repositioning and proposed additional planting of trees from a position on the approved plans adjacent the boundary with 40-46 Glenhurst Road, north-eastwards into the application site by approximately 1m. This would be in order to set them outside a portion of land found, upon demolition of structures at the site, to be unusable. The proposal also includes the deletion of an electricity substation within the proposal and a minor reconfiguration of car parking in the residential parking court. Since the application was submitted, the proposals have been revised to account for concerns relating to tree planting and the screening that this would afford. The scheme now includes tree planting all along the western boundary of the site in a similar arrangement to the earlier approved scheme.
- 1.3 The applicant has explained in the submitted Statement of Amendment that neighbouring properties to the rear of the site have had beneficial use of this portion of the application site over 30 years or more and is therefore not useable for development despite being within the land registry title boundary.
- 1.4 As a result of the above, there would be a consequential narrowing of the commercial parking court behind Block A, by which it would be reconfigured to a 'herringbone' pattern of parking for four of the spaces (spaces 3-6).
- 1.5 The parking court behind Block A within the commercial parking court would be reduced in width by 0.7m from 6.3m to 5.6m. The number of parking spaces in the commercial parking court would be reduced from ten to eight.

- 1.6 The species of trees proposed to be planted along the western boundary would be changed from ornamental pear to silver birch. 35 trees are proposed compared to an earlier 33 trees. As per the approved scheme the specimens would be 7m tall on planting. No further material alterations are proposed to the development; the remainder of the scheme is unchanged from that approved under ref 17/00821/AMDT.
- 1.7 The ground floor of the southernmost units would comprise a retail/commercial unit (252 sqm of retail space would be provided). The parking areas to serve both uses would be laid out to the rear. The upper floors would be solely used for residential purposes. Balconies would be provided for a number of the units and large communal amenity areas would be provided at roof level. A total of 828 sqm of amenity space is provided, the majority of which is roof top communal area, and which equates to approx. 18.sqm per dwelling.
- 1.8 The development would be of a contemporary design, with a flat roof. The buildings are articulated by the use of canopies, balconies and the use of materials. The proposed materials are buff brick and white render, with timber clad panels and grey UPVC windows and grey aluminium doors. Fencing would be erected on boundaries and the hardstanding is proposed to be permeable block paving.
- 1.9 A total of 44 car residential parking spaces (100%) are proposed to the rear of the development together with 52 cycle parking spaces. New parking/loading laybys are proposed to be created within the highway, providing an additional loading space to the front of the development, together with parking bays.
- 1.10 8 on site spaces would be provided to serve the commercial unit and 6 on street car parking spaces/loading bay created. Two vehicular accesses are proposed to serve the development, one at the southern end of the site to serve the commercial units and parking and one towards the northern end, to serve the residential units.
- 1.11 The opening hours of the retail units would remain as previously confirmed to be 0700 – 2300 hours, 7 days a week.
- 1.12 The proposed housing mix and tenure would remain unchanged from the previously approved scheme under 17/00821/AMDT as follows:
- 4 x 1 bed 2 person flats;
 - 14 x 2 bed 3 person flats;
 - 26 x 2 bed 4 person flats.
 -
- 9 units (2 x 1-bed and 7 x 2-bed) would be Affordable Housing (tenure affordable rent).
- 1.13 The application has been called in by Councillor Borton.

2 Site and Surroundings

- 2.1 The application site lies on the western side of Sutton Road, between the junction of Vale Avenue and Kenway. The site covers an area of 0.3 hectares. Buildings previously occupied the majority of the site; these were primarily 2-storey, forming part of a significant block with a long, linear street frontage.
- 2.2 The approved development has commenced and at the time of site visit was found to be well underway.
- 2.3 The established built form around the site is generally two storey, however a small, three storey block of flats has recently been erected opposite the site. To the north of the site, at the junction of Sutton Road and East Street lie a number of blocks of 4 storey, flat roofed, flats. To the north and south of the application site lie commercial units. Opposite to the east is a mix of two storey houses, flats and shops with flats above. To the rear (west) of the site, lie two storey residential properties in Glenhurst Road. These have rear gardens which abut the site.
- 2.4 The site is allocated as proposals site PA9.1 within the adopted Southend Central Area Action Plan (SCAAP) as part of the Sutton Gateway Policy Area and as part of a wider site for housing and community uses.

3 Planning Considerations

National Planning Policy Framework (2018), Policies KP1, KP2, KP3, CP1, CP2, CP3, CP4, CP6 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM2, DM3, DM7, DM8, DM11 and DM15 of the Southend-on-Sea Development Management Document (2015) the Southend Central Area Action Plan (2018) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 3.1 The principle of a mixed use redevelopment of the site for retail and residential uses, specifically 44 flats has previously been accepted under applications ref 16/01503/FULM and 17/00821/AMDT, as have the size, scale and mass of the development, the dwelling mix and tenure, and the impact of the development on traffic generation and highway safety. The amount of development and footprint of the building remains unchanged and therefore the impact on archaeology, flood risk and drainage, contamination and sustainability remain the same as that previously considered to be acceptable. The proposal is considered to fall within the ambit of a minor material amendment to the original consent.
- 3.2 The only matters which now fall to be considered consequent to the proposed amendments are therefore, parking and transport considerations, and landscaping (and any consequential effects on detailed design, impact on surrounding occupiers and living conditions for future occupiers) and developer contributions.

4 Appraisal

Traffic and Transport Issues

National Planning Policy Framework (2018), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) the Southend Central Area Action Plan (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.1 The adopted parking standards for commercial development, attached to the Development Management Document, are maximum standards. The development would include eight off-street spaces behind Block A to serve the retail use. This is a reduction on the previous approval by two spaces.
- 4.2 The proposal would provide additional on-street car parking in bays on Sutton Road (also used for loading at certain times) as per the earlier approved plans. There remain time-restricted on-street car parking spaces opposite the application site. The site is sustainably located within the urban area and is situated on a bus route with nearby stops on Sutton Road southbound and northbound within 40m of the north and south boundaries of the site respectively, for routes 6 and 60a.
- 4.3 Cycle parking would be provided within the site in accordance with the earlier approved schemes. The proposal is considered to provide an acceptable quantum of parking for the commercial units and would remain compliant with the objectives of the relevant development plan policies relating to parking and highways matters.

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

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), the Southend Central Area Action Plan (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 4.4 The National Planning Policy Framework requires good design in new development; it seeks developments that are visually attractive as a result of good architecture. Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document, and the Design and Townscape Guide, advocate the need for new development to respect and complement local character.
- 4.5 As noted above, the scale, mass, height and design of the development has previously been found to be acceptable. No changes are proposed to the scale, mass, height and design or layout of the buildings.
- 4.6 The landscaping plan would be altered to allow the repositioning of the new 7m tall trees to the rear of the site. The setting of the building with respect to soft landscaping would be acceptable and continue to represent an acceptably high standard of design, in this instance using a native species.

- 4.7 The impact on the overall design and resulting character of the development is minor and is considered to be acceptable. The proposals are considered acceptable and policy-compliant in this regard.

Impact on amenity of adjacent occupiers and future occupiers of the development

National Planning Policy Framework (2018), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), the Southend Central Area Action Plan (2018) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.8 Policies DM1 and DM3 of the Development Management DPD and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. The size, scale, siting, massing, general position of fenestration and provision of roof terraces were all accepted as part of application 17/00821/AMDT. Thus the only issue to be considered at this juncture, in relation to the impact on neighbours relates to the amendments that are now proposed.
- 4.9 The revised siting and species of the trees would have no material impact on neighbouring occupiers. The trees would provide screening to neighbouring rear gardens in the same manner as the earlier approved schemes. The number of units remains the same and the level of occupation has not increased as a result of the proposed amendments, thus there will be no greater impact on neighbours in terms of the activity created as a result of the development.
- 4.10 Thus the impact of the development on the amenities of adjacent occupiers is considered to be in accordance with policy and it acceptable.

Impact on future occupiers

- 4.11 It is also necessary to consider whether the proposed amendments will result in an acceptable environment for future occupiers of the flats. The re-siting of the trees and change of species would not have a material effect on the amenities of future occupiers.

Amenity Space

- 4.12 Private outdoor space is an important amenity asset and provides adults and children with external, secure recreational areas. It is considered that this space must be useable and functional to cater for the needs of the intended occupants. All new residential units will be expected to have direct access to an area of private amenity space.
- 4.13 The amount and detail of the proposed amenity space was agreed for application 16/01503/FULM as a total of 828sqm of amenity space, the majority of which is roof top communal area, with some balconies. This equates to approx. 18.sqm per dwelling, which is quite generous for this type of development. The alterations do not result in increased occupancy levels or reduced amenity space and therefore the amount and quality of amenity space is considered to remain acceptable to meet the needs of occupiers.

- 4.14 Thus, taking into account the proposed amendments, the quality of the environment for future occupiers is considered to be acceptable and in accordance with policy.

Developer contributions

National Planning Policy Framework (2018), Core Strategy (2007) Policy KP3

- 4.15 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.”

- 4.16 The above addresses the specific mitigation for 411-415 Sutton Road for matters not addressed within the Regulation 123 Infrastructure List. The provisions of the S106 Agreement are the same as those previously agreed in relation to application 17/00821/AMDT.
- 4.17 Affordable Housing – The development is proposed to be built out with 20% Affordable Housing required by the S106 agreement in compliance with DM7. The applicant states that the tenure is to be affordable rented units (as agreed under application 17/00821/AMDT) and considers the provision of 2 x 1 bed and 7 x 2 bed units, as proposed, to meet current need. The unit mix and proposed tenure are unchanged from the approved scheme and considered acceptable.
- 4.18 Highways works – Highways works are proposed to the front of the site to create the additional loading and parking bays and to alter street furniture. These works are required to meet the needs of the development and should be carried out by the developer at their expense. It is considered that it will be more financially efficient for the developer to carry out these works (rather than the Council) and therefore they will be controlled by use of a Grampian Condition. A contribution of £4000 is, however, sought as part of the S106 Agreement to fund the necessary Traffic Regulation Order amendments for the development.
- 4.19 Travel Packs and Travel Plans – Travel Packs will be required for the residential development and a travel plan will be required for the retail development.

- 4.20 Public realm enhancements – These will be a welcome element of the scheme and in line with the principles set out in the emerging SCAAP and should contribute to the regeneration of this part of Sutton Road. These will be integral to the highways works with details now required by Grampian condition and will include but not be limited to: removal of existing redundant crossovers and street furniture to the front of the site and installation of new street furniture and paving to the front of the site.
- 4.21 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. In common with the earlier approved schemes, without the contributions that are 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 10.

Community Infrastructure Levy Regulations

- 4.22 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 considered to be acceptable this would constitute a reason for granting planning permission in respect of application.

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a gross internal area of approximately 3,155 sqm. The resulting total CIL contribution for this site is approximately £78,764.12, however this is subject to confirmation and may also be significantly reduced if the applicant is able to claim Social Housing relief.

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 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 considered to be acceptable. This application is therefore recommended for approval subject to completion of a S106 Agreement and to conditions.

6.0 Planning Policy Summary

- 6.1 NPPF - National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies- Key Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Low Carbon Development and Efficient Use of Resources) 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 DM7 – Dwelling Mix, Size and Type; Policy DM8 – Residential Standards; 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) (2018)

7.0 Representation Summary

Traffic and Highways

- 7.1 Confirmed no objection.

Essex Police

- 7.2 No specific comment but, invite developers to contact Essex Police to discuss crime prevention through environmental design.

Parks

- 7.3 The proposed changes to the landscaping scheme are acceptable, however if Silver Birch are to be used, it is recommended that they plant container-grown trees (or containerised for a minimum of 2 years) rather than using root-balled trees. There is likely to be a higher success rate of transplants with containerised Silver Birch. [Officer comment: the applicant has confirmed the trees would be from a containerised stock].

8.0 Public Consultation

8.1 Site notices posted and 67 neighbours notified.

8.2 Two letters have been received raising the following issues:

- 7m pear trees should be provided for the full length of the perimeter to provide screening, otherwise the proposal is unacceptable;
- Builders are not adhering to considerate constructors scheme due to shouting and swearing and working past site time restrictions;
- Without the tree planting and fencing the development would cause a loss of privacy;
- Not clear why there is a boundary issue.

[Officer comment: the proposal has been amended to address concerns regarding screening and the tree planting scheme; the proposal now includes a full length line of trees similar to the approved scheme.

The above concerns are noted and they have been taken into account in the assessment of the application. Those remaining are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case].

9.0 Relevant Planning History

9.1 June 2015 – Planning permission refused to: demolish existing buildings, erect part 3/part4 storey block comprising 55 flats, 395sqm retail commercial floorspace at ground floor, communal amenity space, landscaping, parking and associated works. 14/02043/FULM.

Refused for the following reason: *The proposed development, by reason of its bulk, height, and massing, along with its proximity to nearby residential properties, would result in overbearing and overlooking to the detriment of residential amenities, contrary to the NPPF, Policy CP4 of the Southend Core Strategy 2007, C11 and H5 of the saved Southend Borough Local Plan 1994, and guidance contained within the Design & Townscape Guide.*

9.2 November 2015 – Planning permission refused for proposed a 3 storey block of 49 flats with 395sqm of retail/commercial space at ground floor (15/01130/FULM) That application was refused for the following reasons:

01. The proposed development, by reason of its bulk, height, and massing, along with its proximity to nearby residential properties, would result in overbearing and overlooking to the detriment of residential amenities, contrary to the NPPF, Policy CP4 of the Southend Core Strategy 2007, DM1 of the Southend Development Management DPD and guidance contained within the Design & Townscape Guide
02. The proposed development fails to meet the National Housing Technical Standards in terms of unit sizes and would not result in high quality flexible living environments. As such the proposal is contrary to Policy DM8 of the Southend Development Management DPD (2015).

03. The proposed development would fail to make provision for adequate and accessible private outdoor amenity space, by virtue that the plans submitted do not demonstrate how the rooftop terrace could be accessed by wheelchair users and less ambulant residents.

As such the proposal is contrary to Policy DM8 of the Southend Development Management DPD (2015) and Part M4 of the Building Regulations 2010.
The application was subsequently allowed on appeal.

- 9.3 July 2017 – Prior Approval granted to Demolish former college buildings (Application for Prior Approval for Demolition) ref 17/00709/DEM.
- 9.4 August 2017 - Details approved pursuant to condition 9 (Construction Method Statement) of planning permission 16/01503/FULM ref 17/00883/AD
- 9.5 August 2017 - Details approved pursuant to condition 4 (Hard and Soft Landscaping) and 19 (Landscape Management Plan) of planning permission 16/01503/FULM ref 17/00884/AD
- 9.6 August 2017 - Details approved pursuant to condition details pursuant to condition 25 (Tree work and tree protection method statement) of planning permission 16/01503/FULM ref 17/00885/AD
- 9.7 August 2017 - Details approved pursuant to condition 26 (Public Realm Improvement details) of planning permission 16/01503/FULM ref 17/00974/AD
- 9.8 August 2017 - Details approved pursuant to condition 14 (Details of Contamination) of planning permission 16/01503/FULM ref 17/00953/AD
- 9.9 October 2017 - Details approved pursuant to condition 8 (Cycle store) of planning permission 16/01503/FULM ref 17/01441/AD
- 9.10 December 2017 - Application to vary condition 2 (approved plans) of planning permission 16/01503/FULM (Demolish existing buildings, erect 3 storey block comprising of 44 flats, 252sqm retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated works) dated 29/03/2017 to alter elevations, alter layout, alter unit mix, reinstate lift and roof terraces. Approved subject to S106. Ref 17/00821/AMDT
- 9.11 January 2018 - Details approved pursuant to condition 15 (Details of SUDs) of planning permission 16/01503/FULM dated 29.03.2017ref 17/00954/AD
- 9.12 January 2018 - Details approved pursuant to condition 17 (Acoustic Report) of planning permission 16/01503/FULM dated 29.03.2017ref 17/01781/AD
- 9.13 January 2018 - Details approved pursuant to condition 20 (Details of Photovoltaic Cells - Energy and Sustainability Statement) of planning permission 16/01503/FULM ref 17/01783/AD
- 9.14 April 2018 – Details approved pursuant to conditions 3 (Material Samples), 8 (Cycle Store), 15 (SUDS), 17 (Noise Prevention) and 20 (Photovoltaic Details) of planning permission 17/00821/AMDT ref 18/00053/AD
- 9.15 March 2018 – Approved. Replace approved plan numbers FRNT-16.563-206-P4-Block C Elevations, FRNT-16.563-205-P4-Block B Elevations, FRNT-16.563-204-P4-Block C Elevations with plan numbers FRNT-16.563-206-P5-Block C Elevations, FRNT-16.563-205-P5-Block B Elevations, FRNT-16.563-204-P5-

Block A Elevations, revisions to cantilever balconies and balustrading to roof terrace area (Non-Material Amendment to planning permission 17/00821/AMDT 06/12/2017). Ref 18/00303/NON

- 9.16 May 2018 - Details approved pursuant to condition 25 (Method Statements for Tree Protection and Tree Works) of planning permissions 16/01503/FULM dated 29.03.2017 and 17/00821/AMDT ref 18/00522/AD
- 9.17 July 2018 – Approved. Replace approved plans 202-Rev P4 203-Rev P4 205 Rev P5 206 Rev P5 with plans 202-Rev P5 203-Rev P5 205 Rev P6 206 Rev P6 - amendment to ground floor front elevation - flat door types to blocks B & C (Non-material Amendment to Planning Permission 17/00821/AMDT dated 06.12.2017) ref 18/01099/NON.

Recommendation

10.0 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 seek the following:**
- **A minimum of 9 units of affordable rented housing units (20% of overall provision) comprising 2x1 bed and 7x2 bed units.**
 - **Traffic Regulation Order contribution of £4,000**
 - **Provision of Travel Packs for residents.**
 - **Retail Travel Plan.**
- (b) **The Director for 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 shall be carried out in accordance with the approved plans:**

Location plan 001

16.563 200 P6 Proposed site plan and street scene

2244-17 rev 8 Soft landscaping – planting

FRNT_16.563_201_P4 Block A floor plans

FRNT_16.563_202_P4 Block B floor plans

FRNT_16.563_203_P4 Block C Floor Plans

FRNT_16.563_204_P4 Block A elevations

FRNT_16.563_205_P4 Block B elevations

FRNT_16.563_206_P4 Block C elevations

FRNT_16.563_208_P4 Proposed overview floor plans

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

- 02 Materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods, shall be in accordance with details approved under application 18/00053/AD or other details as submitted to the local planning authority and approved in writing before the relevant unit is occupied.**

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

- 03 Hard and Soft Landscaping shall be carried out in accordance with the approved plan No 2244-17 rev 8. 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.**

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 (2007) and Policy DM1 and DM3 of the Development Management Document 2015.

- 04 The development shall not be occupied until space has been laid out within the site in accordance with drawing 16.563 200 P6 for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document 2015.

- 05 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)

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

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 07** Secure, covered cycle parking shall be provided to serve the residential development and the retail/commercial unit, in accordance with the details approved under application 18/00053/AD or other details that may be submitted to the local planning authority and approved in writing, and each part of the development shall not be occupied until the approved facilities are available for the use of the occupiers and users of the respective parts of the development, and shall be retained thereafter.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) DPD1 and Policy DM15 of the Development Management Document (2015).

- 08** Construction shall be carried out in accordance with the Construction Method Statement approved under application 17/00883/AD unless otherwise agreed in writing with the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of visual amenity and to protect the amenities of occupiers of the development and surrounding occupiers pursuant to Policies CP4 of the Core strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

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

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

- 10 With reference to 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 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 Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015.)

- 11 The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours on any day.**

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

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

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

- 13 The development shall be carried out in accordance with the assessment of contamination and mitigation measures approved further to application ref 17/00953/AD or other details that may have been submitted to the local planning authority and approved in writing before the development is occupied or brought into use. If, during the course of development, any further contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority before the development is brought into use. The remediation of the site shall incorporate the approved additional measures before the development is brought into use.**

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

- 14** The development shall be carried out in accordance with the details of the implementation, maintenance and management of a scheme for surface water drainage works that have been approved in application 18/00053/AD or other details that may have been submitted to the local planning authority and approved in writing. The scheme shall be implemented in accordance with the approved details before the development is occupied and shall 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 Policy DM2 of the Development Management Document (2015).

- 15** Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the retail use hereby permitted begins and residential apartments are occupied. The development shall be carried out in accordance with the approved details. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

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

- 16** The development shall be carried out in accordance with the scheme for protecting the proposed dwellings from noise from road traffic approved in application 18/00053/AD, unless otherwise agreed in writing by the Local Planning Authority. The agreed noise mitigation measures shall be installed prior to first occupation of the dwellings and retained at all times thereafter.

Reason: In order to the protect the amenities of future residents in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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

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

- 18** Landscape management of the development, including management responsibilities and maintenance for all landscape areas shall be carried out only in accordance with details approved under application 17/00884/AD or other details that have been previously submitted to the local planning authority and approved in writing.

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 (2007) and Policy DM1 of the Development Management Document (2015).

- 19 The development shall be carried out in accordance with the scheme of Photovoltaic cells approved in application 18/00053/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved details shall be installed prior to first occupation of the dwellings and brought into use on first occupation of the development.**

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document 2015.

- 20 Prior to the installation of any shopfront, the details of the design, materials, glazing, doors, shutters, signage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The retail unit development shall be carried out in accordance with the approved details before it is occupied and permanently retained thereafter.**

Reason: In order to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document 2015.

- 21 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consent of the Local Planning Authority.**

Reason: In the interest of the visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 and DM13 of the Development Management Document (2015).

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

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015)

- 23** The commercial floorspace hereby approved shall only be occupied for uses falling within Use Class A1 retail and shall not be used for any other purpose and for no other purpose including any within Classes A2, A3, A4 and A5, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force). The hereby approved Use Class A1 retail floorspace shall also not be used for any alternative uses otherwise permitted under the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking or re-enacting that Order).

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

- 24** The development shall be carried out in accordance with the Method Statements for Tree Protection and Tree Works approved under application 17/00885/AD unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of amenity, to protect existing trees and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policy DM1 of the Development Management Document (2015)

- 25** The development shall not be occupied until new accesses, removal of the existing redundant crossovers and street furniture, loading bays, on street car parking spaces and public realm improvements in accordance with details approved under application 17/00974/AD, or other details to have previously been submitted to the local planning authority and approved in writing, have been implemented in full and (prior to this) the Council as Highways Authority has approved in writing a full scheme of highways works and the relevant associated highways approvals are in place.

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance Core Strategy (2007) policies KP2, KP3 and CP3 and policies DM1 and DM15 of the Development Management Document (2015)

Informatives

- 1** 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.

- 2** For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK
- 3** The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.
- 4.** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 5.** An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.
- 6** There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.
- 7** The applicant is reminded that additional water supplies for fire fighting may be necessary for this development. The applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342

- 8** Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at www.southend.gov.uk/cil.
- 9** In relation to Condition 26; you are advised to contact Highways Engineer – Martin Warren; (Tel: 01702 215003) to discuss the requisite Highways Licence/Agreements under the Highways Act 1980. 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.
- 10** 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.
- (c)** In the event that the planning obligation referred to in part 10(a) above has not been completed by 27th September 2018 or a later date that has been agreed in writing by the local planning authority, the Director of Planning and Transport or Group Manager (Planning & Building Control) be authorised to refuse planning permission for the application on the grounds that the development will not provide for affordable housing and this would fail to provide an appropriate mix of housing contrary to the objectives of Policies KP1, KP2, KP3, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM7 of the Southend-on-Sea Development Management Document (2015) the Southend Central Area Action Plan (2018).

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.