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| Reference: | 17/01734/FULM | |
| Ward: | Belfairs | |
| Proposal: | Demolish existing buildings, erect three storey building comprising of 15 self-contained flats, layout refuse store, cycle store and parking | |
| Address: | The Old Vienna Restaurant, 162 Eastwood Road, Leigh-on-Sea | |
| Applicant: | BESB Contracts Ltd | |
| Agent: | Phase 2 Planning | |
| Consultation Expiry: | 29.05.2018 | |
| Expiry Date: | 10.10.2018 | |
| Case Officer: | Kara Elliott | |
| Plan Nos: | 001.02, 201 REV 13, 202 REV 07, 203 REV 07, 204 REV 09, 205 REV 08, 206 REV 08, 207 REV 03, 208 REV 02, 209 REV 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 existing buildings and erect a three storey building comprising of 15 self-contained flats, layout refuse store, cycle store and parking. The building would have forth level of accommodation in its roofspace.

1.2 The details of the scheme are summarised as follows;

| | |
|---------------|--|
| Units | 1 x 1 bedroom (2 persons) 51m ² 2 x 2 bedroom (3 persons) 66m ² 10 x 2 bedrooms (4 persons) 70m ² - 76m ² 1 x 3 bedrooms (5 persons) 88m ² 1 x 3 bedrooms (6 persons) 110m ² |
| Parking | 15 car parking spaces (one per unit) 15 secure cycle parking spaces (one per unit) |
| Amenity space | 277m ² (approximate) external amenity space 31m ² total for 6no. 1st floor balconies 30m ² total for 6no. 2nd floor balconies 41m ² total for 4no. third floor balconies and 1 no. roof terrace. |
| Height (max) | 12.4 metres / 4 storey |
| Width | 26.65m (fronting Blenheim Chase) 28.65m (fronting Tudor Gardens) |
| Depth | Between 8.4m and 28.2m |

1.3 The proposed external amenity space at ground floor serving the flats would be located to the south of the site fronting Blenheim Chase; amounting to approximately 277m². In addition each flat would benefit from a patio or private balconies; most approximately 4m², with larger terraces at the south-west corner of the building and a concealed roof terrace at the top of the building serving the largest unit (three bedrooms, up to six persons).

1.4 The L-shaped building would front Blenheim Chase and Tudor Gardens and would be set on a similar building line as the existing residential buildings within Tudor Gardens. To the east of the site is an existing three storey care home, Cavell Lodge. The principle elevations facing Blenheim Chase and Tudor Gardens would be staggered, pitched roof gables with projecting box balconies finished in render and brickwork. The elevations viewed from within the car park are more simplistic in design terms and would not be staggered like the principle elevations.

1.5 The one bedroom, 2 person flat (flat 1) has been designed to meet building regulations M4(3) standard for a wheelchair accessible home and would benefit from a disabled parking bay immediately next to the unit, accessed from its own crossover from Tudor Gardens. All remaining flats would meet building regulation standard M4(2).

1.6 The application falls to be considered by the Development Control Committee as

the application relates to major development.

2 Site and Surroundings

- 2.1 The application site contains a partially demolished large vacant restaurant building. The site is located to the north of Blenheim Chase and to the east of Tudor Gardens. The dilapidated and partially demolished two storey building measured approximately 15 metres by 23 metres and sits on a site that measures a maximum of 40 metres deep and 34 metres wide.
- 2.2 The application site amounts to 0.12 hectares and is broadly rectangular in shape.
- 2.3 The site is not within a Conservation Area, does not include any listed buildings and does not include a public house or a building that is protected as a community asset. Two oak trees at the north east corner of the site are the subject of a Tree Preservation Order.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the streetscene and the preserved tree, 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 (2018) (NPPF); Core Strategy Policies KP1, KP2, CP1, CP2, CP3, CP4, CP8; Development Management Document Policies DM1, DM3, DM7, DM8, and DM10 and the Design and Townscape Guide (2009)

Loss of Restaurant Use and Principle of Residential Use

- 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 (2018) states that development should; *“...promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”* (Paragraph 117). Also of relevance is paragraph 121 which

states that; *“Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans...”*

- 4.4 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. Whilst the former use of the site was A3 (restaurant), the application site has been vacant since 2016. A supporting statement accompanies the application which considers that there is no realistic prospect of the site returning to its former restaurant use.
- 4.5 In planning policy terms, the application site has no designation within the development plan. Tourism and leisure uses are important for sustained economic growth in the Borough and in particular, restaurants play an important part of the tourism sector; which is emphasised in the Southend-on-Sea Local Economic Assessment 2013. Policy DM10 of the Development Management Document states that it is necessary that the Borough Council manages growth of the key employment sectors in a sustainable manner that positively contributes to the Borough’s regeneration and economic objectives. In order to do this, tourism uses such as restaurants are principally directed to the Priority Location Areas which are identified as the Southend Central Area and the Seafront.
- 4.6 It is considered that the site is impracticable and unlikely to be brought back into its lawful use of a restaurant due to its large size and location in a residential area. The application site remains vacant, is sited within a residential area whereby the amenities of such neighbouring properties could potentially be affected by the unrestricted restaurant use of the site and is in a poor state of repair. It is considered that there is no objection to the principle of residential development and the loss of the former A3 restaurant use. Importantly, the development would not significantly undermine the overall future tourism sector supply, in accordance with DM10 of the Development Management Document. From this basis, it is considered that there are no grounds to object to the principle of residential development at the site.

Dwelling Mix

- 4.6 The NPPF states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (paragraph 59).
- 4.7 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough’s housing need and housing demand. The Council seeks to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below;

| Dwelling size: | 1-bed | 2-bed | 3-bed | 4-bed |
|-------------------------------------|-------|-------|-------|-------|
| No bedrooms | | | | |
| Policy Position (Market Housing) | 9% | 22% | 49% | 20% |
| Proposed | 6.7% | 80% | 13.3% | 0% |

- 4.8 The proposed development would result in; 1 x 1 bedroom (2 persons), 2 x 2 bedroom (3 persons), 10 x 2 bedrooms (4 persons), 1 x 3 bedrooms (5 persons), 1 x 3 bedrooms (6 persons) 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 two and three bedroom units suitable for small families. The proposed dwelling mix is also considered to be in accordance with the context of the proposed three building, the constraints of the site and would not result in a high concentration of one bedroom units.
- 4.9 Paragraph 59 of the National Planning Policy Framework (2018) states that *'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*. 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 i.e. 15 units, is considered adequate.
- 4.10 It is therefore considered that the principle of the proposed development is acceptable. The determining material considerations are assessed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3 and the Design and Townscape Guide (2009)

- 4.12 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance is section 12 of the National Planning Policy Framework 2018 (Achieving well-designed places), Core Strategy Policies KP2, CP4 and CP8.
- 4.13 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 124 of the NPPF states; *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 130 of the NPPF states; *"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."*

- 4.14 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.
- 4.15 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”*.
- 4.16 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).
- 4.17 The existing building is not Listed, nor located in a Conservation Area and is in a poor state of repair being semi-demolished. Furthermore, its full demolition has previously been granted prior approval. Hence, its full demolition to enable redevelopment is considered to be acceptable.
- 4.18 The application site is located within a corner plot at the junction of Blenheim Chase and Tudor Gardens and occupies a prominent position due to the openness of the land to the front of the site (which contains a grassed roundabout with public views unobstructed); particularly when travelling up Eastwood Road in a northerly direction. Whilst in a residential area and located nearby to residential dwellings, when viewed from the streetscene the application site appears unenclosed and does not relate to its surroundings due to its corner plot position, the presence of the care home to the east and the nearest residential neighbouring dwelling being located within Tudor Gardens; set behind the site and having a different orientation to the application site.
- 4.19 The proposed development consists of an L-shaped building which would front Blenheim Chase and Tudor Gardens and would be set on the same building line as the existing residential buildings within Tudor Gardens. The principle elevations facing Blenheim Chase and Tudor Gardens would be staggered, with pitched roof gables with projecting box balconies finished in render and brickwork. The gables of the development at third floor would feature 2 recessed balconies on each frontage. The elevations viewed from within the car park are more simplistic in design terms and would not be staggered like the principle elevations.
- 4.20 The proposed development would be three storeys tall with rooms in the roofspace; reaching an overall height of approximately 12.43 metres. However,

due to the top level of accommodation being located within the roof, the building appears as a three and a half storey development and is therefore the height and scale impact is lessened. The development would span a width of 28.65 metres along the frontage of Blenheim Chase with this elevation consisting of a staggered arrangement of four pitched roof gables consistent vertical fenestration and boxed balconies. The development would then continue alongside Tudor Gardens with four more pitched roof gables with consistent vertical fenestration and boxed balconies. The rear elevations of the proposed development which would be viewed when within the proposed hardstanding car park are less detailed in design but still relate to the principle elevations and contain vertical fenestration in an aligned position with the same boxed balcony feature as well as a discreetly concealed roof garden for the sole benefit of the third floor flat, achieved by cutting away a portion of the roof. This element of the design is considered to be a low impact solution which would not result in demonstrable harm to the character and appearance of the site or the wider area. The development alongside Tudor Gardens would span a width of 28.35 metres.

- 4.21 The proposed facing materials for the development would consist of ivory painted render and buff light textured brick. No details are given in relation to the roof materials, windows and doors or detailing such as for the balconies etc. However, it is considered that appropriate detailing and materials could be secured by way of a condition to any positive decision.
- 4.22 Whilst the development adopts a more contemporary design than the surrounding built form, the proposed development is considered to relate to the grain of the area and has a building line which reflects that of the neighbouring buildings which assists in integrating the building in the streetscene.
- 4.23 In addition, the scale, height and bulk of the proposed three storey development is considered to reflect the character and appearance of the area and whilst larger than its surrounding neighbours, is on balance considered to not appear overscaled or dominant in its location. Whilst the proposed development would be located next to a single storey dwelling within Tudor Gardens and would rise to three storeys at the application site, on balance, it is considered that the proposed level of built form is similar to the existing large building on site and is not considered to result in an incongruent shift in scale or character, to the detriment of the character and appearance of the site or the wider area.
- 4.24 The elevations are generally well resolved with a good level of articulation, including a well-proportioned arrangement of fenestration. In particular, the staggering of the gables to the front works well to respond to the shape of the site and adds interest in the streetscene.
- 4.25 Furthermore, the setback position of the building from the highway and the inclusion of grassed amenity spaces, bordered by hedging at the front of the site softens the appearance of the development from the streetscene.
- 4.26 The proposed development introduces a hard landscaped rear car park within the site with vehicular undercroft and pedestrian access taken from Tudor Gardens. It is considered that the rear parking court is acceptable as it is largely screened from view from the public vista. No objection is raised in relation to the single access to the disabled parked space from Tudor Gardens due to its minimal impact and the

existence of similar crossovers serving properties within Tudor Gardens.

- 4.27 It is considered that the secure and covered cycle and refuse storage areas at the rear of the building provide an acceptable solution which does not result in a dominant presence of bins in front of or integral to the façade of the building and is in compliance with paragraph 181 of the Design and Townscape Guide which states that whilst storage of bins should be accessible within reasonable carrying distance from the highway, they should not appear to dominate frontages.
- 4.28 Overall, on balance, it is considered that the proposed development is be appropriately scaled for this location, of an appropriate design and would result in a positive addition to the streetscene. 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).

- 4.29 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.
- 4.30 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):
- 4.31 *“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;”*
- 4.32 Whilst the proposed four storey building would be located next to a single storey dwelling to the north, 8 Tudor Gardens, it is considered that the development would not result in an obtrusive or overbearing form of development which causes an unacceptable sense of enclosure, loss of light or privacy to the detriment of amenities enjoyed by existing residential occupiers of this property due to the existing situation with built form located close to this dwelling at a significant height and along the entire side boundary of no.8. The proposed development would reduce built form alongside this boundary.
- 4.33 The only other residential development is located opposite the site within Tudor Gardens and due to distances between the development and theses dwellings of approximately 20 metres and the highway which separates the buildings, it is not considered that the proposed development, including the roof garden at the rear, would result in any undue impacts upon the amenities of these dwellings or any surrounding residential dwellings in respect of overbearing dominance,

unacceptable sense of enclosure, loss of light, loss of privacy or a material loss of outlook.

- 4.34 Furthermore, it is not considered that the proposed development will be harmful to the amenities of the occupants of the residential care home to the east 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 scale, height and bulk.
- 4.35 The openings, balconies and roof garden at the rear of the building would be of sufficient distance from the only neighbouring residential dwelling, no 8 Tudor Gardens; of approximately 18 metres, so as not to result in material overlooking or harmful dominant impacts. In addition, the front balconies which add visual interest and articulation to the front elevation are not considered to result in unacceptable loss of privacy or overlooking to any neighbouring occupiers due to separation distances and as they overlook the roundabout/highway.
- 4.36 It is considered that whilst the rear parking court is located next to the rear garden for no.8 Tudor Gardens, the proposed development will not result in an unacceptable level of noise and disturbance to the occupants of this property. Whilst activity from parking vehicles will be experienced by the occupants of 8 Tudor Gardens, it is considered that this would not result in significant material harm to the amenities of the occupiers. This is due to the likelihood of the small number of vehicle movements which would arise from the proposed residential units. Furthermore, the previous use of the site as a restaurant with a large car park is considered, which is likely to result in a greater amount of vehicular movements than the proposed residential use of the site; particularly at night. However, it is considered acceptable and proportionate to include a condition to any positive decision in order for an acoustic fence to be installed along the rear boundaries of the application site this in order to ensure the amenities of neighbouring residents are safeguarded.
- 4.37 In accordance with appropriate conditions, the development is found to be acceptable and in compliance with the NPPF (2018), 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 these regards.

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.

- 4.38 Paragraph 91 of the NPPF states that *“Planning policies and decisions should aim to achieve healthy, inclusive and safe places...”* 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 sizes;
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 persons) 86sqm
 3 bedrooms (6 persons) 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.

4.39 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.

4.40 The internal floorspace of each flat is as follows:

Ground Floor

Flat 1: 1 bed / 2 person – 51m² (38m² amenity space);
 Flat 2: 3 bed / 5 person – 88m² (173m² amenity space);
 Flat 3: 2 bed / 4 person – 70m² (57m² amenity space);
 Flat 4: 2 bed / 4 person – 76m² (63m² amenity space);

First Floor

Flat 5: 2 bed / 4 person – 71m² (4m² balcony);
Flat 6: 2 bed / 3 person – 66m² (4m² balcony);
Flat 7: 2 bed / 4 person – 72m² (17m² balcony);
Flat 8: 2 bed / 4 person – 70m² (4m² balcony);
Flat 9: 2 bed / 4 person – 72m² (4m² balcony);

Second Floor

Flat 10: 2 bed / 4 person – 71m² (4m² balcony);
Flat 11: 2 bed / 3 person – 66m² (4m² balcony);
Flat 12: 2 bed / 4 person – 72m² (17m² balcony);
Flat 13: 2 bed / 4 person – 70m² (4m² balcony);
Flat 14: 2 bed / 4 person – 72m² (4m² balcony).

Third Floor

Flat 15: 3 bed / 6 person – 110m² (38m² roof garden)

- 4.41 Each of the units and their bedrooms exceed the nationally prescribed standards and 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.
- 4.42 It is considered that the proposed layout offers permeability for pedestrians throughout the entire site including that the cycle parking area to the rear of the site is easily accessed by a pathway from the parking court within the site. Low railings and soft hedging is proposed in order to differentiate between the public highway and private development proposed. It is considered that the layout of the development would provide a good living environment for future occupiers which is not cramped or contrived.
- 4.43 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible. Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. The applicant has confirmed that all units will meet at least M4(2) with the one bedroom ground floor flat (flat 1) in compliance with M4(3), providing wheelchair accessibility requirements; in accordance with policy DM8 which requires 10% of new dwellings on major development sites to be wheelchair accessible. A wide range of people including older and disabled people and wheelchair users would be able to use the accommodation and its sanitary facilities and as fixtures and fittings would be reasonably accessible to people who have reduced reach. The unit would also benefit from a dedicated parking space which accords with size standards for an accessible parking space.

- 4.44 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. Grassed amenity areas are proposed at ground floor to the front of the building for the enjoyment of the ground floor flats. Whilst rear, wholly private amenity spaces are the preferred option, it is considered that on balance, the front amenity spaces are acceptable in this instance as they are a good size, provide a soft landscaped area at the front of the site and subject to the implementation of railings and hedging as detailed within the application, would be largely shielded from the public vista. These areas are considered to provide a good standard of external private garden space for future occupiers.
- 4.45 Furthermore, each unit at first, second and third floor would benefit from a balcony or roof garden (flat 15); most of which approximately 4m² in floorspace, which would provide a small private amenity space and in most instances a sitting-out area. Due to the good standard of internal accommodation, balconies, garden space for each unit and in consideration of the concealed roof garden, it is considered that the development includes acceptable private amenity spaces for the benefit of future occupiers. Furthermore, the development is located within short walking distances to a public playground, Belfairs Sports Ground and Belfairs Woods providing additional amenities for enjoyment which are close to the site. This is in accordance with the NPPF (2018) which states that decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.
- 4.46 For the reasons above it is considered that the proposal would result in appropriate development of the site and would result in an acceptable standard of accommodation in compliance with the provisions of the National Planning Policy Framework (2018), 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)

- 4.47 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"*.
- 4.48 The former restaurant use provided approximately 17 off-street car parking spaces,

located on the site frontage. 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 former A3 use of the site required a maximum standard of 1 space per 5m²; amounting to approximately 90 spaces.

- 4.49 The adopted Vehicle Parking Standards state that at least one space should be provided for the proposed dwellings; amounting to 15 off-street parking spaces. The parking court located within the application site and the single space to the west of the site would provide off-street parking to meet the requirement, as well as safe and secure cycle parking within the building, with each unit benefiting from one cycle space. Furthermore, the site is considered to be within a sustainable location, within reasonable walking distance to services and facilities within the nearby area, as well as close to public transport options such as local bus routes and train stations.
- 4.50 The vehicle accesses to serve the development are proposed from Tudor Gardens and will upgrade an existing smaller access in this location, measuring 4.75m wide and this will provide access to the 15 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 Tudor Gardens. There is sufficient space within the site for vehicles to exit in forward gear.
- 4.51 The transport statement accompanying this application states that the proposed development would generate a reduction in two-way vehicle movements in the weekday afternoon peak hour in comparison with the former restaurant use of the site and reductions in traffic movements are also expected in other periods such as lunchtimes and weekends. Whilst a marginal increase in vehicular movements is expected in the mornings on weekdays, it is considered that due to the scale of the development and minor increase in movements, the development would have a negligible impact on the local highway network. Furthermore, the submitted assessment demonstrates that the provision of visibility splays and other mitigation measures will ensure that the proposed development is not considered harmful to the highway network. Whilst trees within the footway reduce visibility slightly, it is not considered that the proposed development would result in a harmful impact upon highway or pedestrian safety, nor result in vehicle conflict to a degree that would justify a refusal of planning permission due to the minor scale of the development and as Tudor Gardens is a quiet cul-de-sac with slow moving traffic and low level vehicular movements.
- 4.52 The proposed development is therefore fully compliant with the adopted parking standards, 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

- 4.53 The proposed bin store is to be located behind flat 1 and within easy access to Tudor Gardens, in accordance with DM8 of the Development Management Document. 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

- 4.54 15 cycle spaces are proposed within a secure gated location on the rear of the building within the site. The cycle parking provision is policy compliant with policy DM15 of the Development Management Document is
- 4.55 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

- 4.56 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.
- 4.57 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. A sustainability and energy report accompanies the application which states that the development will incorporate the above design measures and will comply with DM2 of the Development Management Document. A suitable condition should be included to any positive decision in order to ensure this for the lifetime of the development.
- 4.58 The applicant has submitted a sustainability report 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 set-back windows to reduce solar gain and certain other energy efficient improvements through fenestration siting, design and materials, highly efficient boilers and improved thermal performance through construction and materials in the building itself. 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

- 4.59 The existing site is fully laid to hard surfacing. The submitted plans show that the proposal includes grassed areas to the frontage of the site as well as smaller areas of soft landscaping to the rear. 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. Furthermore, an arboricultural assessment has been submitted with the application due to the presence of two protected oak trees (4/2016) in the north-east corner of the site. The assessment states that the development would result in the loss of twelve individual trees, one group of trees and shrubs and one shrub bed which are mainly of poor quality located around the site boundaries. However, the two protected oak trees will be retained and protected. An arboricultural impact assessment and method statement together with tree protection measures can be controlled by way of condition in order to assess the impact and associated mitigation measures in the form of replacement planting.

Drainage (SUDS)

- 4.60 In addition to the proposed soft landscaping, the proposed areas of hardstanding are confirmed to be of permeable surfaces. A SUDS assessment accompanies the application and states that a sustainable drainage scheme will be implemented on site and the proposed development would result in improvements in surface water management across the site, as well as no increased risk of flooding on site or elsewhere. It is considered that a suitable condition should be imposed to any positive decision in order to ensure the development is carried out in accordance with the details of the assessment in order to comply with development plan and national policies.

Community Infrastructure Levy

- 4.61 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 1,516.4m². The resulting total CIL contribution for this site is approximately £36,515.00, based on the rate applicable for CIL Charging Zone 1.

Planning Obligations

The National Planning Policy Framework (NPPF) (2018) 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)

4.62 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

4.63 Paragraph 57 of the NPPF states the following;

“Where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment... the weight given to a viability assessment is a matter for the decision maker having regards to all the circumstances in the case, including... any change in site circumstances since the plan was brought into force.”

4.64 The NPPF also requires that planning decisions should *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...”* (paragraph 118(c)).

4.65 Hence, in this instance it is reasonable for the local planning authority to consider the affordable housing planning obligation relating to this scheme on viability and deliverability grounds. The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states the following:

The Borough Council will:

...enter into negotiations with developers to ensure that:

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites

where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

- 4.66 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations”

“Within Southend, the nature and scale of development sites that are likely to contribute to housing provision during the period 2001-2021 (i.e. high density development on small sites comprising previously developed land) suggests that a balanced approach is needed to the setting of targets and thresholds for affordable housing provision. This balanced approach should take on board, amongst other things, the scale of need and issues of financial viability.

Whilst the Council would wish to send a clear message about what will be required of development schemes, so that these considerations can be taken into account early in the planning and development process (See KP3 ‘Implementation and Resources’), there is clearly a responsibility to adopt a reasonable stance with regard to affordable housing provision.”

- 4.67 Discussions regarding the S106 requirements of the development, particularly with reference to the affordable housing contributions have been ongoing during the course of this application. The Heads of Terms now proposed by the applicant constitute;

- Affordable housing financial contribution: £ 210,225.00
- Secondary education financial contribution: £ 11,491.41

- 4.68 The clear preference in terms of affordable housing provision in this instance would be for 20% of the dwellings on-site to be affordable. However, it is acknowledged that national and local planning policy requires this to be adjusted if necessary on viability grounds.

- 4.69 The Council and the applicant, with the professional advice of an independently appointed assessor (BNP Paribas), undertook lengthy discussions during the course of the application in relation to the ability of the development to provide affordable housing on site. These included exploration of the applicants fully evidenced viability assessment and robust evidence from all Registered Providers that no on-site provision was achievable. In particular, confirmation has been received from the applicant’s viability consultants detailing that Estuary Housing withdrew their interest in taking on site provision and another interested provide, Sage, made an offer but: (a) their offer demonstrated in all scenarios that the scheme would result in a deficit with onsite provision and therefore does not pass the viability benchmark and is unviable; and (b) was offered on unreasonable and unequitable uncommercial terms.

Following detailed submissions and discussions between the Council, the

- 4.70 applicant, their agent and their viability consultants and the Council's independently appointed viability consultants, it has been agreed between all parties that the site could viably contribute a sum of £210,225.00 towards off-site affordable housing. The Council's preference is for on-site affordable housing but it is considered in this instance that on-site provision has been thoroughly and meticulously explored and it is accepted that the scheme does not lend itself to the provision of on-site affordable housing and as a result of the viability evidence, in this instance and on balance, the off-site provision is acceptable.

Education

- 4.71 Due to the increased demand on school capacity, a financial contribution will be required prior to commencement towards secondary education provision of £11,491.41. A contribution to secondary school impact would be expected against the secondary impact and the funds would be allocated to Eastwood Academy that is being expanded; along with seven other secondary schools, to accommodate the current high increase in secondary pupil numbers. This matter can be dealt with in the S106 agreement. It is noted that CIL covers primary school provision.
- 4.72 The Section 106 contributions proposed are considered to meet the tests set out in the CIL Regulations 2010 (as amended). 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 9.

Conclusion

- 4.73 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 use and the mix of units is found to be acceptable taking into account the history of the site and current housing need. The proposal would provide adequate amenities for future occupiers; 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 for an affordable housing contribution, education payment and to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2018)
- 5.2 Core Strategy 2007 Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development, CP2 (Town Centre and Retail Development), (CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance), and CP8 (Dwelling Provision)
- 5.3 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 DM10 (Employment Sectors) and DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document: Design & Townscape Guide 2009
- 5.5 Supplementary Planning Document: Planning Obligations 2015
- 5.6 Community Infrastructure Levy Charging Schedule 2015

6 Representation Summary

Design and Regeneration

- 6.1 No objections following design amendments in line with original comments.

Traffic and Transportation

- 6.2 No objections.

Education

- 6.3 Both the primary and secondary catchment schools for this development are full in all year groups. Places are only available for Primary at Darlinghurst Primary School (1.1 miles away) and at Futures Community College (changing name to Southchurch College) for secondary which is over 5 miles away. A contribution to Secondary school impact would be expected against the secondary impact and the funds would be allocated to Eastwood Academy that is being expanded, along with seven other secondary schools, to accommodate the current high increase in secondary pupil numbers. On the breakdown of the number of bedrooms per unit this would be £11,491.41.

Essex and Suffolk Water

- 6.4 Records show there is no apparatus located in the proposed development. There is 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

- 6.5 No objection subject to conditions in relation to demolition and construction and contaminated land.

Strategic Housing

- 6.6 No objection. Comments: The applicant has offered a contribution in lieu of on-site affordable housing on the grounds the scheme is unviable with on-site provision. Whilst viability assessments have indicated on-site provision could be achieved, the applicant has been unable to agree an offer with a Registered Provider which is satisfactory to both parties. Whilst on-site provision is our preference, we support the recommendation that the financial contribution is acceptable.

7 Public Consultation

- 7.1 A site notice was displayed on site and in the local press and 9 letters sent to neighbouring properties notifying them of the proposal.

- 7.2 38 letters of representation were received; 2 letters of support stating that there is support for the development provided there is enough off-street parking and 36 objections which raise the following points;

- Harm to amenity on neighbouring occupiers and area;
- Traffic very heavy in both directions/will add additional congestion at existing roundabout and additional congestion
- Bungalows behind proposal will lose sunlight
- What will happen to the car parking spaces??
- Family housing needed for this location
- Density too high/overdevelopment/ larger than original building
- Increase in noise and air pollution
- Cul de sac already overcrowded with cars
- Height of development/ too high
- Parking stress exists already/parking also for recreation ground/doctors surgery/nursing home /particularly in Tudor Gardens which is narrow/emergency services require unimpeded access to the road
- Suggested smaller block with less flats and more parking spaces
- Why not the promised restaurant / was told originally it would be a restaurant
- Out of keeping for this area/out of character and appearance to existing streetscene
- Overbearing/intrusive for properties directly next to and opposite the site in Tudor Gardens
- 6 to 8 units on two floors would be more acceptable/along the lines of Cavell lodge
- Design – modern concept won't be right at all
- Invasion of privacy as looking directly into windows of a care home/ car lights will be shining in our homes

- Use the existing access to parking site and not opposite people's houses in a minor road
- Lack of parking for the flats/ not enough parking for families and friends of residents/ allocated parking is inadequate and contrary to Essex Government Planning Policy pages 63 and 64
- Siting
- Restrict satellite dishes and no phone masts to go on roof
- Local building heights appear to be around 2.5 storeys so, the proposed development with a pitched roof will be nearer to 4 storey high
- The driveway in Tudor Gardens removes 2 parking spaces
- Too close to pavement in Tudor Gardens and should be set back on building line 4m;
- Access to car park is onto a narrow road which is congested and will be dangerous
- Too overcrowded in leigh and no more flats
- Loss of street trees
- Loss of sunlight
- Negative impact on my property value and resale ability
- New foundations will be deeper than existing and in close proximity to my home causing damage
- Overlooking

7.2

Officer comment: It should be noted that these comments were received prior to the most recent re-consultation for revised plans. The 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. Where relevant the concerns raised are assessed in further detail in the relevant sections of this report.

8 Relevant Planning History

- 8.1 17/00100/DEM - Demolish existing buildings (Application for Prior Approval for Demolition) – Prior approval granted

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 off-site affordable housing of £210,225.00.**

- A financial contribution towards secondary education provision of £11,491.41 (index-linked), specifically providing increased capacity at Eastwood Academy.

(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: 001.02, 201 REV 13, 202 REV 07, 203 REV 07, 204 REV 09, 205 REV 08, 206 REV 08, 207 REV 03, 208 REV 02, 209 REV 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 except demolition and construction up to ground floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening 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 and construction up to ground floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before any of the development is first occupied or brought into use.

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

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

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

- 06 No part of the development shall be occupied until space has been laid out within the site in accordance with drawing 776.201.13 for 15 cars to be parked and for vehicles to access the site and turn so that they may enter and leave the site in a forward gear. The access and parking spaces shall be permanently retained thereafter 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.

- 07 No part of the development shall be occupied until details of refuse and recycling facilities and a waste management 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.

- 08 The 15 internal cycle parking spaces to serve the residential development shall be implemented in accordance with drawing no.776.201.13 prior to first occupation of the development and shall be permanently maintained thereafter and reserved for cycle parking.**

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.

- 09 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.

- 10** No drainage infrastructure associated with this development shall be installed until details of the design, implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved by the local planning authority. The approved scheme shall be implemented (and thereafter managed) in accordance with the approved details before any of the development is first occupied and brought into use and be maintained as such thereafter. Those details shall include:

- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
- ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;
- iii) a timetable for its implementation; and
- vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in

accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policy DM2 of the Development Management DPD 2015.

- 11 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.

- 12 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.

- 13 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that one of the flats hereby approved comply with the Building Regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 14 flats comply with the Building Regulation part M4(2) 'accessible and adaptable 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, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 14 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 development shall be implemented 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 neighbouring 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.

- 15** 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 (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent) 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 neighbouring 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).

- 16** No development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

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

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

- (c) In the event that the planning obligation referred to in part (a) above has not been completed before the 10th October 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 affordable housing or education provision. As such, the proposal would be contrary to Policies KP2, KP3, CP6, CP8 and DM7 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 the provision of affordable housing, a

financial contribution towards secondary education.