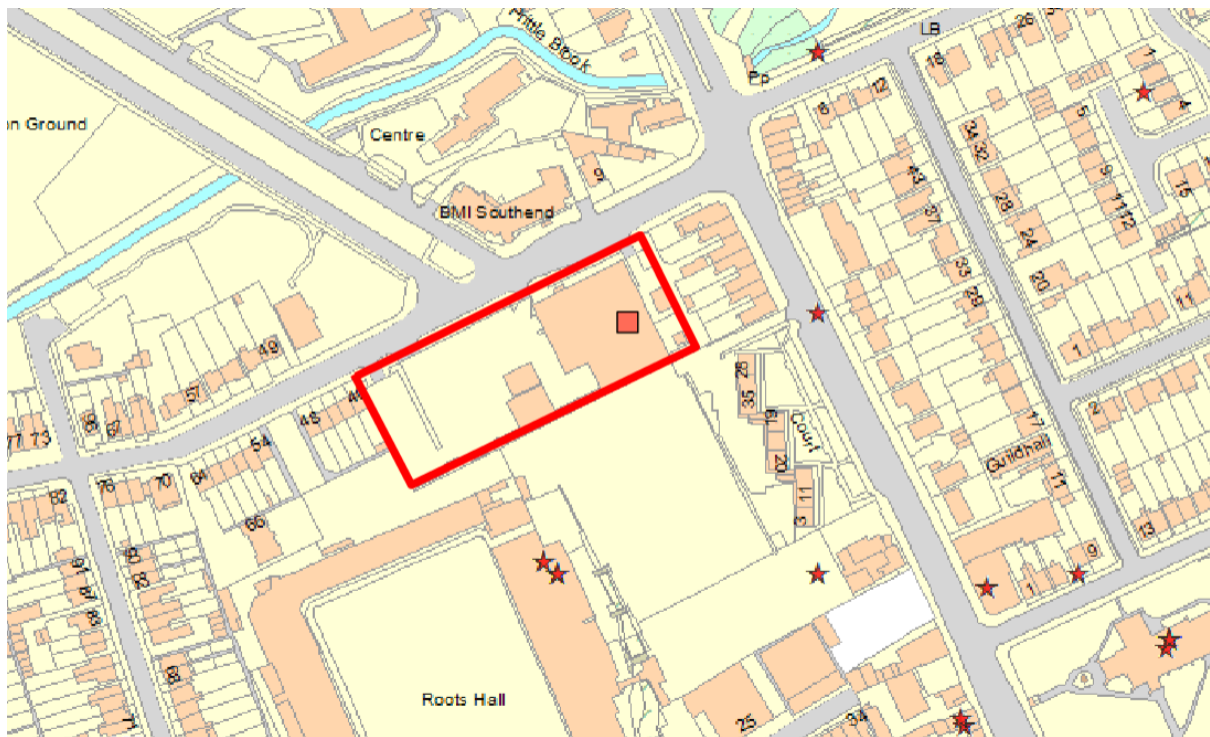


Reference:	18/00810/FULM	
Ward:	Prittlewell	
Proposal:	Demolish existing buildings, erect three blocks of three, four and five storeys comprising of 92 self-contained flats with balconies and parking at ground floor level, landscaping, amenity space, associated works including highway alterations and alteration of existing access onto Fairfax Drive (Amended Proposal)	
Address:	10 Fairfax Drive, Westcliff-on-Sea, Essex, SS0 9AG	
Applicant:	Weston Homes PLC	
Agent:	N/A	
Consultation Expiry:	06.09.2018	
Expiry Date:	16.01.2019	
Case Officer:	Charlotte White	
Plan Nos:	WH181/17/P/35.01, WH1XX/17/P/05.01, AP234-P008 Rev E, AP234-P009 Rev E, AP234-P010 Rev E, WH181/18/P/05.02, AP234-P002 Rev E, AP234-P003 Rev E, AP234-P004 Rev F, AP234-P005 Rev E, AP234-P006 Rev E, AP234-P007 Rev E, AP234_201, PL1610.1.GA.300 01, PL1610.1.G1.301 01, PL1610.1.GA.302 01, PL1610.1.GA.200 01, PL1610.1.GA.201 01, PL1610.1.GA.101 02, PL1610.1.GA.102 02, PL1610.1.GA.100 02, PL1610.1.GA.202 01, PL1610.1 Planting schedule, 170429-TK07 Rev. A, 170429-05 Rev. C.	
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 The application proposes to demolish the existing buildings on the site and to erect 3 blocks of flats, varying between 2 and 5 storey in height, totalling 92 units (40x1-bed, 48x2-bed and 4x3-bed), together with associated surface parking for 92 vehicles, a ratio of one per unit. The proposal includes amenity space, landscaping and associated works. This is a stand-alone development but the applicant has provided explanatory comments on how the scheme might tie in to a wider redevelopment of the adjacent Roots Hall site should one come forward.
- 1.2 In terms of its overall form, a single, five storey building (Block C) would sit directly opposite the junction of Fairfax Drive and Prittlewell Chase flanked by two further buildings; Block A/B to the west (2 to 4 storeys) which continues the form of the existing residential terrace and then returns into the depth of the site and Block D/E to the east, which is 4 to 5 storeys which addresses the street frontage and then returns into the depth of the site. Blocks A/B and D/E would step up in height rearward by a storey. Between these buildings a one-way loop road would wrap behind Block C with the main vehicular entrance to its east by the existing Prospects House entrance, and the exit further to its west, close to the existing service yard access. The one-way access will utilise and improve two of the existing access points.
- 1.3 The proposed buildings are set back to follow the established building line along Fairfax Drive and to provide street frontage landscape and tree planting. 92 surface and undercroft parking spaces are provided within the site. Areas of amenity space are provided in two enclosed, landscaped, courtyard gardens to the eastern and western flanks of the development and two first floor raised amenity decks are proposed on the eastern and western sides of the development above the undercroft parking areas.

- 1.4 Materials include dark and light facing brick, textured masonry, cladding, clear glazed windows, glazed balconies, spandrel panels and aluminium louvres. The bricks proposed constitute Istock Leicester Weathered Multi red bricks, Istock Leicester yellow multi stock, with textured masonry detailing, Rockpanel grey cladding panels (RAL 7016), UPVC grey windows (RAL 7016), spandrel panels (RAL 7016) and aluminium louvres (RAL 7016).
- 1.5 Hard landscaping materials include macadam surfacing, granite sett paving, granite slabs, granite setts, natural stone stepping stones and gravel. The access road will be finished in macadam with the surface parking spaces finished with granite sett paving. To the front of the site there will be tree planting, lawn and evergreen hedge planting. Trees will be provided throughout the site.
- 1.6 The first floor amenity decks will include timber seating and macadam paths, gravel garden ornamental shrub and groundcover planting, lawn, ornamental shrub and herbaceous planting, evergreen hedge planting and semi-mature tree planting. The ground floor courtyards include timber seating, bespoke timber pergolas, granite slabs and granite sets with lawn, evergreen hedge planting, ornamental shrub and herbaceous planting and semi-mature tree planting.
- 1.7 The amended planning statement submitted states: *'Affordable housing will be provided on site as part of the development. 9 units are proposed to be affordable shared ownership within blocks A/B.'* As such affordable housing at a level of 10% is proposed with 7x 1-bed and 2x 2-bed shared ownership offered.
- 1.8 The application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, Travel Plan, Extended Phase 1 Habitats Report, Archaeological Desk Based Assessment, Environmental Noise Assessment Contaminated Land Survey, Energy Report, Flood Risk Assessment/Drainage Strategy, sustainability energy statement, construction method statement, pre-construction information, Statement of community involvement, car park management and waste strategy, water efficiency calculator, report on ground investigation, phase II ground investigation and generic risk assessment report, construction phase health and safety plan and viability assessment.
- 1.9 The application was subject of a call in request to the Development Control Committee by Cllr D Garston.
- 1.10 An appeal was lodged against non-determination of a similar planning application under reference 17/01115/FULM. The appeal is yet to be determined. At the Development Control Committee on 4th April 2018 the Committee resolved that had an appeal for non-determination not been submitted, Members would have resolved to grant planning permission subject to the completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended). The main changes proposed as part of this application include:
- Rather than below ground car parking, surface and undercroft parking is now proposed.
 - The height of the rear sections of blocks A/B and D/E have been increased by approximately 1.2m to provide additional 3rd floor flats at the rear of block A/B and additional 4th floor flats at the rear of block D/E and will be extended slightly.

- A total of 92 units are still proposed, however, the dwelling mix has changed from 41x 1-bedroom units, 47x 2-bedroom units and 4x 3-bedroom units to 40x 1-bed, 48x 2-bed and 4x 3-bed under this current proposal.
- Reorganisation of some of the internal spaces including the removal of internal changes in levels between floors within blocks A/B and D/E
- The affordable housing offer has been reduced from a policy compliant 30% to 10% and a viability assessment has been submitted with this current application.
- It is no longer to proposed to provide a physical barrier in the highway of Fairfax Avenue to physically prevent right turns into the site.

2 Site and Surroundings

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

2.5 The site lies within Flood Risk Zone 1 (low risk).

3 Planning Considerations

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

4 Appraisal

Principle of the development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP6, CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM7, DM10, DM11 and DM15, the Design and Townscape Guide (2009), Southend Central Area Action Plan (SCAAP) (2018) Policies PA8, DS2 and DS3.

4.1 The Core Strategy confirms that the primary focus of regeneration and growth within Southend is in Southend Town Centre and the Central Area. The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre, to guide future development decisions.

4.2 The application site is brownfield land within the Southend Central Area. It is also part of the 4.24ha Roots Hall, Victoria Avenue site identified within the 2017 Strategic Housing Land Availability Assessment identified for residential development.

4.3 Policy PA8 sets principles for development in the Victoria Gateway Neighbourhood Policy Area, of which the application site forms part. This policy confirms that the Council will look favourably on high quality developments which can demonstrate that they will contribute to the transformation of this area into a vibrant community, integrated with the surrounding neighbourhood and set within a remodelled built form, of a quality that befits this key gateway to the Town Centre.

4.4 Policy PA8 also seeks to conserve existing landmark buildings and ensure that new development respects views to and from them, their setting and character, in line with Policy DS3: Landmarks and Landmark Buildings.

- 4.5 Policy DS2 confirms that new development within Southend Central Area will be expected to demonstrate that it is compatible with and/or enhances Key Views of St Mary's Church. Policy DS3 confirms that the Council will seek to conserve landmarks and landmark buildings as identified in Table 2 and Appendix 3 from adverse impact by: a) encouraging the provision of open spaces and public realm improvements which provide views to landmarks or landmark buildings or enhance their setting; b) resisting adverse impacts of new development by virtue of excessive height, massing or bulk; and c) ensuring development proposals respect views, setting and character.
- 4.6 Policy KP1 of the Core Strategy seeks the provision of additional homes within the Town Centre. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located. Policy CP1 of the Core Strategy states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 4.7 Policy CP2 seeks to support the Town Centre as a regional centre including mixed-use development. A stated aim of Policy CP3 is to reduce reliance on the car in new development. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and seeks that 80% or more of residential development be provided on previously developed land. Policy DM1 of the Development Management Document seeks to promote successful places.
- 4.8 Policy DM1 seeks design quality that adds to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification. Policy DM7 states that the Council will seek to support a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within internal accommodation to meet the changing needs of residents. Policy DM10 seeks to promote sustainable economic growth by increasing the capacity and quality of employment land, floor space, and jobs through new development. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 4.9 The proposal would involve the loss of a potential employment-generating land use. However the site is not a designated 'employment-generating' use further to Policy DM11. Loss of the D1 training centre use came about as part of the former Prospects College relocation, in part funded by the sale of this site. Taking the above into consideration, including that there has been no net loss of educational space it is not considered that there is any requirement to safeguard the site as a community facility under Policy CP6.

- 4.10 The principle of using this brownfield land for residential purposes is therefore considered acceptable under Policies KP1, KP2, CP4, CP6 and CP8.
- 4.11 The principle of the form and nature of the application site's redevelopment and strategic impact also needs to be considered having regard to the effect on landmark views of St Mary's Church, required under Policies DS2 and DS3. It is considered that although a development of the scale sought would be seen generally in the context of St Mary's, the local topography here is such that, with land rising southwards away from the application site, the new built form on this site would not, in principle, cause an adverse effect on views of the church when seen from vistas around the application site notably from Fairfax Drive and from further beyond in Prittlewell Chase to the north. It is not considered that the scheme would harm the setting of the listed building.
- 4.12 The application site has been subject of past, comprehensive proposals which sought to regenerate the Roots Hall stadium site together with land around its periphery, including the current application site. All related permissions for such wider redevelopment have expired. However submission of a further planning application, specifically for redevelopment of the existing Roots Hall stadium site, is anticipated in association with the current separate planning application under consideration for a new replacement football stadium and associated development at Fossetts Farm (17/00733/FULM).
- 4.13 It would be preferable to consider the redevelopment and wider regenerative role of the current application site simultaneously with further redevelopment proposals for the Roots Hall site. However it is considered that this cannot be insisted upon nor can the Council reasonably withhold determination of the current application on that basis. This is because the proposals presented here for the Prospects College site are entirely self-contained i.e. they do not rely upon the adjacent Roots Hall site for any fundamental design components such as access. Furthermore the essential form and layout of this proposal have been designed so as not to rely upon, nor to materially prejudice, the redevelopment potential of the adjacent Stadium site. For example habitable rooms in this proposed development would not rely on outlooks across site boundaries to the south. Equally the Roots Hall site is sufficiently large that any constraints created by the prior redevelopment and presence of new buildings within the current application site could be addressed through design.
- 4.14 Commenting on how the scheme might tie in to the wider redevelopment of the Roots Hall site, the applicants' Planning and Design and Access Statements confirm that this proposal is the first phase of a potential wider redevelopment ultimately encompassing the Roots Hall site and St Mary's Court. Although this is not an element being assessed under this application, the applicants demonstrate how the lay out of their proposed development has given consideration to the possibility of a wider masterplan for the Roots Hall site in future. The applicant states that this ensures that the redevelopment of Roots Hall will not be prevented by this development and that the two can be satisfactorily integrated.

- 4.15 Therefore the effect of this site's development on the future development potential of the Roots Hall site is primarily an issue to be addressed at the appropriate time by the designers of any future redevelopment proposals submitted for the Roots Hall site. Whether such a proposal comes forward in practice is a matter for the respective site developers. Officers do not consider that this issue alone would constitute a materially defensible reason for opposing the principle of this site's redevelopment in its self-contained form or for the residential purposes proposed.
- 4.16 In the above regards, the considerations relevant to the principle of the development are not materially different from the position resolved by the Development Control Committee in April 2018 that such redevelopment of this site would be acceptable and policy compliant.

Housing mix

- 4.17 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types, including tenure and sizes, helps to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types provides greater choice for people seeking to live and work in Southend and will therefore also support economic growth. So the Council seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough's housing need and housing demand. Policy DM7 of the Development Management Document requires all residential development to provide a mix of dwelling size and type.
- 4.18 The Strategic Housing Market Assessment (SHMA) has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation. The provision of high quality, affordable family homes is an important strategic housing priority in Southend and the Core Strategy highlights a need to retain a stock of larger family housing.
- 4.19 Policy DM7 states:

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

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

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

and the Council's preferred Affordable Dwelling Mix is :

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

4.21 The proposal comprises the following:

Size/ No bedrooms	1 Bed	2 Bed	3 Bed	4 Bed
Proportion of dwellings	44%	52%	4%	0%

4.22 The mix proposed under reference 17/01115/FULM which Members resolved to grant planning permission for, had an appeal on non-determination not have been submitted was:

Size/ No bedrooms	1 Bed	2 Bed	3 Bed	4 Bed
Proportion of dwellings	45%	51%	4%	0%

4.23 It is proposed to provide 10% affordable housing (9 dwellings) which would comprise shared ownership (7 x 1-bed and 2 x 2 bed units) within block A/B.

4.24 The proposed dwelling mix does not exactly reflect the Council's preferred dwelling mix. However, a mix of units is provided. It is also noted that Members resolved to grant planning permission, had the appeal against non-determination not have been submitted under reference 17/01115/FULM which provided a very similar housing mix (45% 1-bed units, 51% 2-bed units and 4% 3-bed units). Taking account of the site context and nature of development proposed, it is considered that the above mix, which includes an element of larger 3 bedroom units capable of family occupation plus over 50% two bed roomed units, would make a satisfactory and policy compliant contribution to the Council's housing policy objectives. The affordable housing contribution proposed is considered below.

4.25 It is therefore considered that the principle of this form of development at this location is acceptable in light of the above policies and the SCAAP. Detailed matters are considered specifically below.

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

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP4; Development Management Document (2015) Policies DM1, DM3 and DM5, Southend Central Area Action Plan (2018) Policies PA8, DS2 and DS3 and the advice contained within the Design and Townscape Guide (2009).

- 4.26 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.'*
- 4.27 The need for good design is reiterated in Policies KP2 and CP4 of the Core Strategy DM1 and DM3 of the Development Management Document and in the Design and Townscape Guide.

Scale and massing

- 4.28 The application site is on the edge of a main transport corridor leading to the Town Centre. The mix of land uses and varying topography here have created a mixed pattern of building types, formats, scale and massing with no overall single distinctive urban grain. Development to the south and east is represented mainly by the stadium site and predominantly two storey commercial buildings in Victoria Avenue, south of which are four storey flats. To the west, Fairfax Drive contains modest two storey housing to its south side next to the site and opposite this moving towards the west on the north side of Fairfax Drive.
- 4.29 Immediately opposite the site the street scene setting is wider and more open and spacious in aspect, reflecting the major intersection between Fairfax Drive and the dual carriage way of Prittlewell Chase where a two storey clinic on its eastern corner has massing which is equivalent to a three storey residential building. As well as rising significantly towards the south, the land levels rise westward more modestly along Fairfax Drive. When seen from a distance, development on the application site would sit at the base of these surrounding, predominantly rising land levels and surrounding built form which varies in scale and character. This has been a significant consideration for officers when assessing the visual impact of the new development and its effect on the prevailing character of the surroundings.
- 4.30 With the exception of its relationship to No 40 Fairfax Drive and the terrace towards its west, the proposed development would not sit immediately next to existing built form which would otherwise set a more marked constraint for scale or design. The site is some 120m wide. Within this area of varied character, building forms and masses, officers consider that the site is capable of establishing its own identity and making a transformative visual contribution within the street scene. The site width enables the development to achieve a scale, massing and layout relationship between the proposed new buildings on the site itself without jarring with characteristic features of interest such as the wide setting of the intersection, the green setting of the dual carriageway or the strategic backdrop view of St Mary's Church.
- 4.31 The proposed central pavilion (Block C), maximum plan dimensions 22.4m x 23.4m is five storeys (15.4m max) in height and incorporates two, four-storey wings projecting over main entrances either side, each some 12.5m in height.

All of the proposed buildings, particularly the central pavilion, will appear significantly taller than existing buildings in the Fairfax Drive street scene but the latter is purposely designed to form the focal point in long views of the site from Prittlewell Chase with adjoining new buildings subservient to the scale of that primary Block C.

- 4.32 To the east, proposed four and five storey Block D/E (max 15.4m height) steps down to 3 storeys (9.5m in height) in response to the scale of the existing buildings on the Victoria Avenue frontage.
- 4.33 To the west, proposed three and four storey Block A/B (max 12.5m height) steps down to 2 storeys (6.4m height) to form a visual continuation of the existing flat-roofed residential terrace commencing at 40 Fairfax Drive.
- 4.34 Seen in this context the proposed 2 to 5 storey scale is considered to be complimentary to the surrounding built environment and not excessive in scale, particularly when the surrounding topography is considered. In regards to its essential scale, mass and form the development now proposed is materially the same, especially in respect of streetscene impact, as the previous scheme considered to be acceptable by the Development Control Committee. The increased height of the rear elements of blocks A/B and D/E over and above that proposed under reference 17/01115/FULM are contextually modest and acceptable. It is considered that the scales of the individual blocks and proposed disposition of built form within the development would strike an acceptable balance between achieving compatibility with the lower neighbouring buildings at the site margins whilst enabling a suitably higher density development which sets its own character and identity without materially harming the setting of the street scene.

Layout, building arrangement and external materials

- 4.35 Some 44 of the 92 on-site car parking spaces are proposed within two areas of undercroft to the rear of the site. Unlike the previous application (17/01115/FULM) these car park areas are no longer sunken into the ground, as a result the rear elements of the buildings have been increased by approximately 1.2m compared to the previous scheme. The deck forming the roof of the car parks and the landscaped courtyard gardens are now more elevated than the previous scheme and will be some 2m above the natural ground level to the east of the site and some 0.3m above the natural ground levels to the west. The raised deck at block B would be some 1.6m above the adjoining ground level at the adjoining football club car park and the raised terrace at block D would be some 0.6m above the ground level at the adjoining football club car park.
- 4.36 Given the varying character of the site's setting, in particular the currently inharmonious composition of the streetscape to the eastern part of Fairfax Drive, the design of the proposal is predicated on the basis that there are no particularly strong architectural precedents in the locality except that there is a predominance of white painted render in the street scene. It is in this context that the applicant proposes a contemporary architectural approach to the design. External finishes incorporate a dark facing brick and a contrasting light coloured brick to reflect the wide use of render but to achieve future durability.

This also references the two short Fairfax Drive terraces of flat roofed houses on the site's western boundary which retain a common compositional theme comprising central projecting square bays with setback main entrances between.

- 4.37 All of the new blocks will be set back to broadly follow the established building line along Fairfax Drive. This respects the relationship with the existing two storey terrace to the west and enables introduction of an enhanced zone of street frontage landscape and avenue tree planting which is welcomed. An element of on street, surface car parking will be included towards the rear of the site so the development would maintain a strong, positive, landscaped street frontage, uninterrupted by car parking.
- 4.38 Viewed comprehensively it is considered that the resulting massing, design, layout and use of external materials would both complete the missing street frontage over this significant section of Fairfax Drive and is suitably responsive to the mixed character of uses and buildings around the site and its gateway location. The arrangement of new buildings also enables the opening up of views south to the Roots Hall future development site, St Mary's Church and the town centre and beyond. The above is therefore considered to comply with Policies KP2, CP4, DM1, DM3, DS2 and DS3 and is consistent with the layout, building arrangement and external materials found acceptable in the previous scheme and is therefore acceptable.
- 4.39 The Archaeology desk top study submitted in support of the application concludes that the site has a low theoretical archaeological potential and does not identify any need for additional mitigation measures.
- 4.40 The development is therefore acceptable and policy compliant in the above regards.

Impact on amenity of future occupiers and neighbours to the development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM8, Southend Central Area Action Plan (2018) Policy PA8 and the guidance contained within the Design and Townscape Guide (2009) and the National Technical Housing Standards (2015)

- 4.41 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...'*
- 4.42 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on future and surrounding occupiers.
- 4.43 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users.

Living conditions for future occupiers

- 4.44 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 4.45 Delivering high quality homes is one of the Government's requirements within the NPPF. From the 1st October 2015 Policy DM8 of the Development Management Document has been superseded by the National Housing Standards concerning internal floor space standards.
- 4.46 It is considered that most weight should be given to the Technical Housing Standards of which the parts relevant to the proposal are:

- Minimum size requirements for 1 bedroom 2 bed space units of some 50sqm, for 2 bedroom 3 bed space units of some 61sqm, for 2 bedroom 4 bed space units of some 70sqm, requirement for 3 bedroom 5 person units of some 86sqm and the requirement for 3 bedroom 6 person units of some 95sqm.

- Minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floor space with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floor space shall be counted.

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

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

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.

- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

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

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.

Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

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

- 4.47 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations which requires accessible and adaptable dwellings. It is considered that these standards should now provide the basis for the determination of this application.
- 4.48 The schedule of room units sizes supplied with the application demonstrates that all of the proposed development will meet the National Technical standards for individual unit and bedroom sizes. The development is acceptable and policy compliant in this respect.
- 4.49 However, not all blocks are served by lifts to all floors. Like in application reference 17/01115/FULM, block A/B will not be served by a lift which is a negative aspect of the proposal as these units would not be accessible for all residents regardless of disability or tenure.
- 4.50 During the previous application under reference 17/01115/FULM concerns were raised that block A/B which contained the affordable housing did not contain a lift. Officers initially approached this issue concluding that, in principle, it was not achieving a tenure-blind position and was therefore unacceptable. Extensive discussion took place with the applicants as to why they are opting not to accede to officers' request that they incorporate a lift in block A/B. Supported by independent responses provided by the Registered Social Landlords (RSLs) with whom the applicants have been engaged as potentially occupying the finished development, the applicants explain that they find that provision of lifts has a direct impact on service charges of their schemes. The RSLs' position is that where schemes are 3 storey or below (as is the case with Block A/B), they seek to avoid the provision of a lift, given the initial capital costs of the lift (and the lift shaft and pit) as well as the ongoing future maintenance costs that this introduces. On schemes of more than 3 storeys, the RSLs responded that they would be happy for a lift provision as the extra cost and maintenance of the lift can be shared between a higher number of homes, reducing the service charge costs. They also state that they would typically request that any wheelchair homes are located on ground level. It is noted that the Council's development plan policies on this issue make it clear that exceptions to meeting accessibility standards can be made on grounds of viability in certain cases (Policy DM8 refers).
- 4.51 In response to the Council's concerns and the RSLs' response the mix of accommodation, officers previously suggested that the proposed layout within block A/B be further adjusted to re-locate those units oriented more to families and those adaptable for wheelchair users to the ground floor of the block. However the applicant previously decided to retain the proposal as submitted under reference 17/01115/FULM.

Officers have remaining concerns that the absence of a lift creates a lesser degree of accessibility for the affordable housing units and other units in block A/B but given the explanation given by the RSLs; the fact that Block A/B is no higher than three storeys; and the position that the operational/ tenant cost argument that was previously, robustly posited by the applicants and their RSL partner, it is considered that the absence of a lift in Block A/B would be unlikely to be sustainable as a solitary reason for refusal for the proposal if it is otherwise deemed acceptable in all other regards. It is also the case that the absence of a lift did not form a reason for opposing the previous application.

- 4.52 All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook. Secondary windows have been introduced to the south facing elevations of Block A/B and D/E to improve natural day lighting levels for those units closest to the Roots Hall Stadium boundary.
- 4.53 The proposal has a good level of access for all units to outdoor amenity space through private balconies and semi-private landscaped communal amenity space. The majority of units benefit from a private balcony or roof terrace suitable for seating, dining and drying clothes and are positioned conveniently, connecting to the dining/living rooms of each unit.
- 4.54 In addition to the individual balcony/terrace provision above, future residents will have access to approximately 750 sq.m of semi-private communal amenity space, provided in enclosed gardens next to blocks A/B and D/E, plus a communal roof terrace on the 5th floor of the central block, C. The gardens are split into different levels, landscaped to promote a degree of privacy between different users, benefit from natural surveillance from habitable rooms, and contribute to the urban greening of the area. The development is some 100m walking distance from the Priory Park entrance and the local play area and some 130m from the recreation ground located off Prittlewell Chase. The total provision of outdoor amenity space for residents is considered acceptable and compliant with the objectives of Policies CP8, DM3 and DM8. In these regards the proposal is materially unchanged from the previous scheme.
- 4.55 The Noise Assessment submitted in support of the application has considered the site's prevailing noise climate and assesses potential noise impacts that may affect the proposed development and its future occupiers. The assessment concludes that standard double glazing will address any potential noise concerns related to road traffic noise, predominantly in Fairfax Drive and would achieve the relevant internal standard in British Standard 8233. The main outdoor amenity areas will be enclosed by blocks A and B and blocks D and E which will act as sound barriers, ensuring acceptable noise levels are achieved within these amenity areas. The same applies to the development's relationship to the southern (stadium) boundary. The Noise Assessment's conclusions have been reviewed by the Council's Environmental Health Service and have been found to be acceptable subject to the conditions incorporated at the end of this report.

Impact on neighbouring occupiers' amenity

- 4.56 Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours as protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 4.57 The proposed development is laid out in a conventional rectilinear manner. Its principal aspect is to the north onto Fairfax Drive with return, main building frontages facing towards the eastern and western boundaries and inwards to the site between these respective blocks. The rear elevation of Block C would be some 20m from the southern boundary shared with the Roots Hall Stadium site.
- 4.58 A minimum distance of 11m would exist between main habitable rooms and the eastern boundary. The adjoining buildings here fronting Victoria Avenue contain ground floor commercial and residential flats above. In addition there exists, between the rear of the Victoria Avenue properties and the application site, an access route some 3m wide such that it is considered that no materially harmful levels of overlooking or invasion of privacy would result.
- 4.59 A distance of 13.5m would be retained between west facing habitable rooms and the nearest residential boundary (40 Fairfax Drive). No 40 has no main flank windows and has a single storey rear addition. This property would experience a changed relationship with the application site which is currently comparatively open so there is potential for an increased perception of overlooking as the new development projects back across four floors into this western part of the site with a number of westward facing habitable room windows and balconies. However those windows and balconies are designed to primarily overlook the new development's amenity area. Furthermore, due to the design and layout, south facing balconies in the new development, screened to their sides, would to a material extent, mitigate the effect of westward overlooking from windows and balconies in the internal corner of Block A/B.
- 4.60 The oblique relationship between habitable rooms/ balconies further into the southern depth of the site would achieve a minimum distance of some 18m between balconies serving the new flats and the rear wall of No 40 Fairfax Drive. It is considered that block A/B would not unduly dominate the rear garden scene and rear outlook of houses to the west. Nor would any levels of direct overlooking be so significant as to represent material harm warranting refusal on privacy grounds. In these regards the current proposal is materially similar to the previous scheme.
- 4.61 The alteration to remove the semi-basement parking to the rear of the site would result in the amenity decks and their visibility screens being higher than the previous scheme. The amenity deck would be located some 2m above the natural ground level to the west and some 0.3m above the natural ground level to the east. However, the deck at block A/B would be adjacent to the vehicle hire company storage site rather than the gardens of the adjoining dwellings and the raised amenity deck to block D/E would not be significantly higher than the natural ground level to the east of the site and there is an intervening access road between the site and the nearest dwellings to the east. No material harm would result so the development is acceptable and policy compliant in this respect.

- 4.62 An overshadowing plan has been provided within the Design and Access Statement which indicates that the dwellings to the west would suffer some early morning overshadowing and the dwellings to the east would suffer some overshadowing late afternoon. However, given the limited extent and time of such overshadowing it is not considered that this would result in any material harm to the residential amenity of the adjoining residents. Whilst there would be some overshadowing caused between the blocks, this would also be for limited periods of the day and it is considered that sufficient levels of day light would be provided within the development. The development is therefore acceptable and policy compliant in this respect.
- 4.63 Subject to incorporation of a privacy screen strategy designed to prevent material invasion of privacy the proposed roof terraces are considered to be acceptable. Such a strategy can be secured through a planning condition.
- 4.64 Planning conditions are also recommended to control the development's impact on neighbours arising from construction/ demolition operating hours, construction method and similar environmental considerations.
- 4.65 Subject to the conditions described above and reflected in Section 10 of this report, the development's impact on the amenity of future occupiers and neighbours to the development is therefore considered acceptable and compliant with policy objectives.

Traffic and Transportation

National Planning Policy Framework (2018), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) Policy DM15 of the Southend-on-Sea Development Management Document (2015), Southend Central Area Action Plan (2018) Policy PA8 and the guidance contained within the Design and Townscape Guide (2009)

- 4.66 Policy CP3 of the Core Strategy (2007) seeks to widen travel choice and improve road safety. Policy DM15 of the Development Management Document states that one off-street parking space should be provided for each flat.

Access

- 4.67 The four existing vehicular accesses into the site will be replaced with two new priority junctions in Fairfax Drive and there will be 4 pedestrian and cycle accesses into the site. Vehicular circulation will be one way with traffic entering via the eastern access and leaving via the western access. The eastern access will be limited to left-turn movements only to remove risk of conflict between traffic waiting to turn right from Fairfax Drive into Prittlewell Chase and traffic waiting to turn right into the application site or right out of the application site. Previously a physical barrier was proposed in Fairfax Drive to physically prevent this manoeuvre. This application no longer seeks to provide a physical barrier, but this manoeuvre will be prevented with a traffic regulation order and the shape of the junction of the eastern entrance to the site has been designed to make any right hand turns difficult. As such, the access arrangements, whilst different to the 2017 application are still considered acceptable and will not result in any harm to highway safety in this respect.

- 4.68 The car park management and waste strategy states '*A stage 1 Road Safety Audit has been completed which has been demonstrated using swept path analysis that large vehicles can exit in one manoeuvre onto Fairfax Drive in either direction. Proximity to existing junctions and traffic islands have all been assessed and considered acceptable.*'
- 4.69 The Highways Team have raised no objection to the access proposed, and have commented that signage and road markings to reinforce the one way system will be required throughout the site. The access proposed is therefore acceptable and policy compliant in this respect.

Traffic generation

- 4.70 Consideration has been given to the previous use of the site which included Prospects College and a vehicle hire company. All previous uses generated a significant number of daily vehicle movements using a similar western egress onto Fairfax Drive as the proposed development. When comparing the previous uses with the proposed use there is an increase in the vehicle movements generated as a result of the development. The Transport Assessment submitted concludes that the development would result in de minimis (i.e. minimal) change in the performance of local junctions and provides safe and suitable access to the application site and the Highways Team have confirmed that this is not considered to have a detrimental impact upon the public highway in the vicinity and surrounding areas of the site. It is also noted that the site is located in a sustainable location with good links to bus and rail services and is in close proximity and the Prittlebrook cycle route network that provides wider access to the town centre and Leigh on Sea.

Car Parking

- 4.71 Policy DM15 of the Development Management Document requires the provision of 1 parking space per 1 and 2+ bedroom flats. The development provides 92 (one to one) parking spaces in line with the Council's policy including 10 spaces for disabled users conveniently dispersed within the layout. The provision will also incorporate installed electric charging and future electric charging points.
- 4.72 The proposal has been amended to include a raised table formal square designed to prevent indiscriminate parking within the access road circulation route intended to deter vehicles from parking inappropriately within the development site, as failure to control parking within the site may otherwise lead to large vehicles such as refuse freighters having difficulty access the site. This application has been submitted with a parking management scheme which makes a commitment to control and prevent parking within the access roads on the site. The development is therefore acceptable and policy compliant in this respect.
- 4.73 The application has been submitted with a car park management and waste strategy which indicates that the car parking spaces will be marked out with floor markings with lighting of the undercroft element via sensors. Spaces will be provided and allocated to specific residents with spaces allocated for use by specific apartments. The management company will control the use of the spaces by non-residents and guests. Parking within the internal access roads will not be permitted which will be controlled by the management company.

The Highways Team has raised no objection to the car park management and waste strategy submitted.

Cycle Parking

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

Servicing/ refuse

- 4.75 The Transport Statement submitted indicates that the internal street layout is designed to enable refuse collection vehicles to reach within 25m of the bin storage areas. Refuse collection vehicles are able to safely enter, travel through and leave the application site in a forward gear. The car park management and waste strategy states that *'Integrated within the development are appropriate waste and recycling stores, located conveniently adjacent the block entrances at ground floor. Residents will therefore carry their refuse a short distances...each storage area will be sized to accommodate relevant capacity for the respective block. The proposed layout allows access to all areas necessary for refuse vehicle collection from the internal service road.'*
- 4.76 Refuse storage is provided within each residential block. The application has been submitted with a waste management plan which is considered adequate and acceptable. The development is therefore acceptable and policy compliant in this respect.

Travel Plan

- 4.77 The application has been submitted with a Travel Plan. The Travel Plan includes measures such as providing notice boards with travel information, appoint a travel plan co-ordinator prior to the occupation of the development, provide travel information packs, undertake reviews of the Travel Plan. These are acceptable. The Highways Team has raised no objection to the Travel Plan submitted.

Construction Method Statement

- 4.78 The application has been submitted with a pre-construction information report which provides details of the construction process including details of site hoardings, indicates that all deliveries will be booked to prevent 'stacking' of lorries on the side access roads, with designated areas for deliveries and storage of materials. The report states that no construction works or delivering will take place outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. Wheel washing areas will be established at the entrances to the site. Dust will be minimised on the site by providing good quality access tracks and dampening down when necessary. There will be no burning on site. Loading and unloading will take place within the site. These proposals are considered to be satisfactory in principle and the Highways Team have commented that this document is acceptable. A condition can be imposed requiring the development to be undertaken in accordance with this document.

Conclusion

- 4.79 Having regard to the applicant's detailed application and the information and supporting documents supplied it is considered that the proposal will not have a detrimental impact on the local highway network. Whilst no physical barrier will now be provided in Fairfax Avenue this will be prevented with a traffic regulation order and the eastern access has been designed to prevent right hand turns into the site. No highway objections are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway. A financial sum associated with any Traffic Regulation Order deemed necessary in association with the highway works which would involve carriageway /footpath realignment and road markings to prevent right turn movements in association with the development, is covered by the Section 106 agreement heads of terms described below.

Sustainable Construction

National Planning Policy Framework (2018), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM2 of the Southend-on-Sea Development Management Document (2015), Southend Central Area Action Plan (2018) Policy PA8 and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.80 Policy KP2 of the Core Strategy states that *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide"*.
- 4.81 The submitted proposals are supported by an Energy Statement which is intended to support and explain how the scheme responds to the requirements of the local council and Building Regulations. It acknowledges that there is a specific policy requirement from this Council for new developments to reduce CO2 emissions by 10% using renewable technologies. The Energy Statement has taken a different approach to this Council's core strategy stating that the applicants wish to take a *fabric first* approach to meet the majority of the 10% reduction in CO2 and then utilise renewable energy technology if necessary.
- 4.82 Using this *fabric first* approach the development would concentrate on reducing the heating demand through a highly efficient building fabric meaning the amount of CO2 produced by space heating will be decreased rather than constructing an inefficient building with a high heat demand counteracted by renewable energy technologies. The applicants state that the Energy Statement thus demonstrates compliance with Building Regulations ADL1A 2013 and a 10% reduction in CO2 site wide.

- 4.83 However this approach would deliver only 2.99% through renewable technology (photovoltaics) itself, a level which falls materially below with the Council's 10% policy threshold. Notwithstanding the merits of the applicants fabric first approach and as there is scope for additional photovoltaics to be accommodated within the development, a condition is recommended to secure 10% through renewable technologies so complying with the Council's policy. Subject to this the proposal would be acceptable in this regard.
- 4.84 The site is located in flood risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. The application has been submitted with a flood risk assessment and surface water drainage strategy which states that the site is at medium risk of surface water flooding which means that each year this site has a chance of flooding between 1% and 3.3%. The report concludes that providing the mitigation advice regarding potential flooding from off-site surface water is followed, the site is considered to be at low risk of flooding from all sources. Mitigation proposed includes that the building entrances and finished floor levels should be raised a minimum of 300mm above existing ground levels which falls away from buildings which would minimise the risk of any minor localised ponding or overland surface water from entering the buildings. The report notes that the re-development of the site will decrease the impermeable area at the site and would therefore decrease surface run-off produced by the site.
- 4.85 The indicative SuDS proposed include the use of attenuation crates prior to off-site discharge and the use of pervious pavements. However, the submitted report indicates that this is only indicative and that the final choice of SuDS treatment can be decided at detailed design stage. The SuDS will also need to be maintained by the site owner.
- 4.86 Subject to a condition requiring the mitigation measures outlined above to prevent flooding from off-site surface water and subject to a condition requiring full SuDS details the development is considered acceptable and policy compliant in this respect.
- 4.87 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (110 lppd 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. The application has been submitted with a water efficiency calculator which indicates that the total internal water consumption would be 113.8 lppd, and 118.8 lppd when including external water use. These levels exceed the requirements of Policy DM2, however, it is considered that a condition can be imposed on any grant of consent to ensure compliance with this policy. Subject to such a condition no objection is raised on this basis.
- 4.88 In summary subject to imposition of conditions the sustainable construction implications will be acceptable and policy compliant.

Biodiversity and Nature Conservation

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4 and Development Management Document (2015) Policy DM2

- 4.89 Chapter 15 of the NPPF states that the planning system should contribute to and enhance the natural environment including protecting biodiversity. Planning decisions must therefore prevent unacceptable harm to biodiversity and impose adequate mitigation measures where appropriate. The site itself has no ecological designation.
- 4.90 Natural England have commented that the site is located within the zone of influence for the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. Natural England comment that without mitigation new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites through increased recreational pressure when considered in combination with other plans and projects. As such Natural England advise that a Habitats Regulations Assessment to secure any necessary mitigation should be undertaken.
- 4.91 A stage 2 Appropriate Assessment Habitat Regulations Assessment has been submitted for consideration by the applicant's agent. This report concludes *'Evidence from Natural England demonstrates that the Fairfax Drive site is within the Zone of Influence where due regard needs to be taken concerning any recreational impact upon the EU sites. There are several EU sites and they are all subject to disturbance. The solution is to negotiate a suitable amount of money that can go towards protection, management and education regarding the EU sites. The development at Fairfax Drive is fully compliant with the UK and EU law...and enhancements to boost biodiversity have been included. The enhancements planned for the site will encourage residents to stay on site, rather than move to the EU sites.'*
- 4.92 The report states that mitigation is provided through the development with a comprehensive landscape proposal which includes a variety of native trees and shrubs that will be planted on the site and which will increase the biodiversity of the site itself. The effect will centralise the biodiversity to the site itself meaning that species will be attracted to the site. The development is proposing compensation measures in the form of a SANG (Suitable Alternative Green Space) payment. This payment will be used to provide new habitat or restore degraded habitat for the benefit of the qualifying species or towards the management of the nature reserves to cancel out any potential impact as a result of this development. The report recognises that the development may generate some local recreational or visitor pressure on European sites, but this will be compensated by the payment. The development will not cause any net loss of existing habitat that supports biodiversity.

- 4.93 Given the findings of the appropriate assessment report submitted, subject to a planning obligation requiring a payment towards biodiversity mitigation, management, protection and education to compensate for any impact resulting from increased recreation or visitor pressure from the development on European Protected sites, the development is acceptable and policy compliant in this respect. This is included in the heads of terms set out below.
- 4.94 An extended ecologist's Phase 1 habitat survey has been carried out in support of the application. The site is not subject of any statutory ecological designations. The ecological report concludes that the site is of low nature conservation importance and that the proposed development will not cause any net loss of existing habitats that support biodiversity. The report recommends that there are opportunities to increase the biodiversity of the site as follows. For bats it recommends: installation of bat boxes within the development; that residential lighting is downward facing so as not to disrupt bats' movements; new site landscaping include trees and shrubs producing insects on which bats prey; and the formation of residential gardens will increase the biodiversity of flora and fauna. Further measures will include landscaping to incorporate food plants for the Holly Blue butterfly, a BAP (Biodiversity Action Plan) species found on site plus installation of bird boxes to encourage three BAP bird species found on site (swift, House sparrow and Herring gull). Subject to these measures being controlled through a proposed planning condition, the ecological considerations of the proposal are found to be acceptable and policy compliant.

Contaminated Land

- 4.95 The site has previously been used for bus depot, storage and commercial activities. The application has been submitted with a Tier 1 Contaminated Land Study which concludes that the site represents a moderate risk to human health, buildings/services and the environment in terms of contamination, and as such further investigation is recommended. The application has also been submitted with a phase II ground investigation report which concludes that the site does not pose a risk to human health, although some remediation is needed. Given the findings of this report and subject to a condition in this respect, it is found that the contamination considerations of the proposal would be acceptable and policy compliant.

Developer contributions

National Planning Policy Framework (2018); Core Strategy (2007) Policy KP3.

- 4.96 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."

- 4.97 Paragraph 63 of the NPPF states *'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. [Equivalent to the existing gross floorspace of the existing buildings.]*
- 4.98 Paragraph 64 of the NPPF states *'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.'*
- 4.99 The following S106 contributions are proposed :
- 9 units of affordable housing (7 x 1 bed, 2 x 2 bed) all of which constitute shared ownership and an affordable housing review mechanism.
 - £45,400.50 contribution towards secondary education.
 - £4000 payable to the Council for expenditure towards covering the cost of the alterations of the Traffic Regulations Order in force along Fairfax Drive.
 - Travel packs
 - £4,600 towards biodiversity mitigation, management, protection or education.
- 4.100 The above addresses the specific mitigation for the site for matters not addressed within the Regulation 123 Infrastructure List.
- 4.101 The LPA needs 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 which is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of "Supplementary Planning Document: Planning Obligations"
- 4.102 The application has been submitted with a viability assessment which notes that due to the vacant building credits, the target provision for affordable housing is 23% rather than 30%. The report concludes that zero affordable housing is justifiable in terms of financial viability. However, the draft heads of terms includes the provision of 10% affordable housing on site comprising 9 shared ownership units.

- 4.103 The viability assessment submitted with the application has been independently reviewed and it has been confirmed that a policy compliant 23% affordable housing provision (due to vacant building credit) would result in the development being unviable. A 10% affordable housing provision would result in a deficit of £37,000. However, the applicant is still committed to providing 10% on-site affordable housing. As such the provision of 10% affordable housing is considered acceptable in this instance. Subject to a S106 obligation in this respect the development is acceptable and policy compliant in this regard and no objection is raised on this basis. However, the S106 will need to include a viability review mechanism. Viability Review Mechanisms are supported by NPPG, which states that “*Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time.*”; and such mechanisms can be used “*to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project.*” (Paragraph: 009 Reference ID: 10-009-20180724
- 4.104 Subject to a legal agreement securing the provision of the contributions outlined above the development is acceptable and policy compliant and no objection is raised on this basis.
- 4.105 The contributions proposed are considered to meet the tests set out in the CIL Regulations 2010. Without the contributions that are set out above the development could not be considered acceptable.

Community Infrastructure Levy Regulations

- 4.106 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
- 4.107 The conclusion is that the planning obligation outlined in this report would meet all the tests and so that if the application were otherwise consider to be acceptable this would constitute a reason for granting planning permission in respect of application.
- 4.108 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material ‘local finance consideration’ for the purpose of planning decisions. The application site is located within Zone 1 therefore a CIL rate of £24.08 per sqm is required for the proposed development. The proposed development equates to 8,290.68sqm of residential floors pace which may equate to a CIL charge of approximately £179,495.35 (including social housing relief) (subject to confirmation).

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 principle and mix of units is found to be acceptable taking into account the history of the site and current housing need. The proposal would provide adequate amenities for future occupiers and would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The biodiversity and highways impacts of the proposal are considered to be acceptable and the scheme includes appropriate planning obligations. In many regards the proposed development is not materially different from the 2017 scheme which Members resolved to grant planning permission for, had an appeal on non-determination not have been submitted. It is therefore recommended that Members grant planning permission subject to conditions and the completion of a Section 106 legal agreement.

6.0 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies Policy DM1 (Design Quality); Policy DM2 (Low Carbon Development and Efficient Use of Resources); Policy DM3 (Efficient and Effective Use of Land); Policy DM5 (Historic Environment); Policy DM7 (Dwelling Mix, Size and Type); Policy DM8 (Residential Standards); DM10 (Employment Sectors); Policy DM11 (Employment Areas); Policy DM15 (Sustainable Transport Management).
- 6.4 Design & Townscape Guide (2009).
- 6.5 Planning Obligations (2010)
- 6.6 CIL Charging Schedule (2015)
- 6.7 National Housing Technical Standards (2015)
- 6.8 Southend and Central Area Action Plan (2018) Policies DS2 (Key Views), DS3 (Landmarks and Landmark Buildings) and PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles).

7.0 Representation Summary

- 7.1 **Essex and Suffolk Water** - Our records show that we do not have any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

- 7.2 **Airport Director** – No safeguarding objections to proposal. If a crane or piling rig is required for construction then airport safeguarding to be considered separately.
- 7.3 **Natural England** - It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Southend-on-Sea Borough Council working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

In line with our recent advice, this proposal falls below the scale at which Natural England would offer bespoke advice on this issue. However, we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation, consulting with Natural England where necessary. You should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

7.4 **Traffic and Highways –
Access**

A Stage 1 Road Safety Audit has been completed which has demonstrated using swept path analysis that large vehicles can exit in one manoeuvre onto Fairfax Drive in either direction. Proximity to existing junctions and traffic islands have been all been assessed and considered acceptable. Kerb re-alignment and a traffic regulation order will prevent right turn vehicle movements into or out of the eastern access whilst maintaining satisfactory bus swept path movement at the Fairfax Drive/Prittlewell Chase junction together with maintained operational integrity of the yellow box markings. The applicant will be required to provide signage and road markings to reinforce the one way system throughout the site.

Traffic generation

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

Car Parking

The development provides 92 (one to one) parking spaces in line with the Council's policy and the proposal has been amended to incorporate 10% active Electric Vehicle (EV) parking spaces and a further 10% of the total parking spaces with passive EV charging points which is welcomed.

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

Cycle Parking

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

Travel Packs

Travel Packs will need to be provided for each residential unit, to include but not be limited to maps of the local area, bike routes, walking routes, bus stop locations, train station locations etc. Also to include free bus and rail tickets for the residents to use to encourage them to use public transport. This is covered within the proposed Sn 106 planning obligation.

Servicing

Refuse storage has been provided within each residential block. The applicant will be required to contact the Council's waste service provider, Viola to ensure that access is granted to the secure refuse storage areas to enable waste collection. The waste contractor will also seek assurances that the road structure will be suitable to accommodate a fully laden refuse freighter and will also need assurances that full access will be granted to the site. Inconsiderate parking which obstructs the internal operation of the site will lead to collections not being made. Should this occur yellow lines maybe required to ensure collections are made.

Bus stops

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

Conclusion

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

The applicant has provided a construction phase plan, travel plan, car park management and waste strategy. The documentation provides detailed information which meets current Council Policy and is considered an acceptable approach.

Therefore given the information contained within the report no highway objections

are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway.

7.5 **Environmental Health -**

The Following Documents have been reviewed

- 1) Design and Access Statement
- 2) Planning Statement
- 3) Waste Management Report.
- 4) Transport Assessment
- 5) Environmental Noise Assessment by SES dated 29th November, 2017

Recommended conditions:

1. Construction hours restricted to 8am – 6pm Monday to Friday, 8am -1pm Saturday and not at all on Sundays or Bank Holidays.
2. During construction and demolition, there should be no burning of waste material on site. **[Officer comment: this would be dealt with under separate legislation]**
3. The nature of the construction will require prior consent for works on construction sites under Section 61 of the Control Of Pollution Act (1974) **[Officer comment: this would be dealt with under separate legislation]**
4. The Environmental Health comments and conditions for 17/01115/FULM are still applicable in this application.

7.6 **Education** – Both the primary and secondary catchment schools for this development are full in all year groups. Places are available for Primary at Darlinghurst Primary School. The local secondary schools within acceptable travel distances are all at capacity and part of a Secondary Expansion Programme to provide a significant number of new places from September 2018. In view of this a contribution toward the additional pressure this development will generate a contribution is requested of £45,400.50 for St Thomas More High School.

7.7 **SuDS Engineer** – Do not object to this planning application subject to conditions being attached to any consent if this application is approved by the LPA.

7.8 **Essex Police** – Essex Police note your desire for this site to employ the secured by design principles. As such, we would like to invite the developers to contact us to discuss crime prevention through environmental design with a view to this development making an application to be secured by design.

8.0 **Public Consultation**

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

8.2 A site notice was displayed, the application was advertised in the press and 62 neighbours were notified. No representations have been received.

9.0 Relevant Planning History

- 9.1 The site has an extensive planning history. The most relevant planning history includes:
- 9.2 **17/01115/FULM** - Demolish existing buildings, erect three blocks of three, four and five storey's comprising of 92 self-contained flats with balconies, basement parking and parking at ground floor level, landscaping, amenity space, associated works including highway alterations and alteration of existing access onto Fairfax Drive – appeal submitted on non-determination of the application. This application was presented to Members in April 2018 and Members resolved that had the application not been appealed on non-determination, Members would have determined to grant planning permission subject to the completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).
- 9.3 **11/01540/RESM**: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With 3 Storey Retail Food Store, 6,976m² (Net) Retail Floorspace); Incorporating Parking And Associated Servicing At Ground Floor Level, Sales Area At First Floor Level And Staff Facilities At Mezzanine Level, Erect Petrol Filling Station With Kiosk, Cycle Parking, Form Vehicular Accesses / Egresses Onto Fairfax Drive, Roots Hall Avenue And Victoria Avenue And Modify Access To Shakespeare Drive For Emergency And Pedestrian Only Access, Lay Out Associated Landscaping And Erect Retaining Walls To Southern Part Of Site (Approval Of Reserved Matters Following Grant Of Outline Permission 07/01111/Out Dated 24/06/11) Prospects, Fairfax Drive, 299,301,341-365,1-37 St. Marys Court, Roots Hall Victoria Avenue Approve reserved matters – **Approved**
- 9.4 **08/00272/RSO**: Redevelop Site With Retail Food Store, Petrol Filling Station And Associated Works (Request For Screening Opinion) – **Screening/ Scoping Opinion issued**
- 9.5 **07/01111/OUTM**: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With Retail Food Store At First Floor Level (10,113 Sq. Metres); And Petrol Filling Station With Kiosk, Two Standalone Units Fronting Fairfax Drive For Class A3, A4,B1 And D1 Uses, A Total Of 272 Residential Units Comprising Flat, Semi Detached And Terraced Houses (Including Affordable Housing), Layout Parking Spaces (Some Below Buildings) And Lay Out Security Areas, Form Vehicular Accesses / Egresses Onto Fairfax Drive, Roots Hall Avenue And Victoria Avenue And Modify Access To Shakespeare Drive For Emergency And Pedestrian Only Access, Lay Out Associated Landscaping And Erect Retaining Walls To Southern Part Of Site – **Approved**
06/01335/OU: Demolish Football Stadium, Flats, Shops And College; Redevelop Site With Retail Food Store At First Floor Level (9290 Sq. Metres); And Development Of Up to 7 Storeys Incorporating 402 Residential Units Including Affordable Housing, 8 Retail Units (Class A1), Fitness Club, Lay Out Parking Spaces And Servicing Area, Associated Landscaping And Form Vehicular Accesses Onto Fairfax Drive, Victoria Avenue And Roots Hall Avenue (Outline) – **Approved**

- 9.6 **05/00909/FUL:** Site Temporary Building In Car Park For Training Purposes – **Approved**
- 9.7 **92/0906:** Erect Two Storey Extension To And Alter Elevations Of Main Building And Erect Detached Workshop All In Connection With Use As Industrial Training Workshop (Class D1) With Incidental Industrial (Class B1 And B2) And Storage (Class B8) Uses.- **Approved**
- 9.8 **92/0655:** Erect Two Storey Extension To And Alter Elevations Of Main Building And Erect Detached Workshop All In Connection With Use As Industrial Training Workshop (Class D1) With Incidental Industrial (Class B1 And B2) And Storage (Class B8) Uses - **Approved**

Recommendation

10.0 Members are recommended to:

- (a) **Members are recommended 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 following:**
- **9 units of affordable housing (7 x 1 bed, 2 x 2 bed) all of which constitute shared ownership and an affordable housing review mechanism.**
 - **£45,400.50 contribution towards secondary education.**
 - **£4000 payable to the Council for expenditure towards covering the cost of the alterations of the Traffic Regulations Order in force along Fairfax Drive.**
 - **Travel packs**
 - **£4,600 towards biodiversity mitigation, management, protection and education.**
- (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 solely out in accordance with the approved plans: WH181/17/P/35.01, WH1XX/17/P/05.01, AP234-P008 Rev E, AP234-P009 Rev E, AP234-P010 Rev E, WH181/18/P/05.02, AP234-P002 Rev E, AP234-P003 Rev E, AP234-P004 Rev F, AP234-P005 Rev E, AP234-P006 Rev E, AP234-P007 Rev E, AP234_201, PL1610.1.GA.300 01, PL1610.1.G1.301 01, PL1610.1.GA.302 01, PL1610.1.GA.200 01, PL1610.1.GA.201 01, PL1610.1.GA.101 02, PL1610.1.GA.102 02, PL1610.1.GA.100 02, PL1610.1.GA.202 01, PL1610.1 Planting schedule, 170429-TK07 Rev. A, 170429-05 Rev. C.

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

- 03** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the lower ground floor 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 roofs, cladding, balconies, balustrades, screening and fenestration, have been submitted to and approved in writing by the local planning authority. The development shall be finished in the approved facing brickwork Ibstock Leicester Multi and Ibstock Leicester Multi Yellow stock or any other brick details subsequently submitted to and approved in writing by the local planning authority. The development shall be carried out only in full accordance with the approved details.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 04** The development shall be undertaken in strict accordance with the approved hard and soft landscaping plans and particulars or any other hard and soft landscaping details that have been previously submitted to and approved in writing by the local planning authority. The hard landscaping shall be completed prior to first occupation of the development and soft landscaping/planting shall be completed within the planting season following first occupation of the development (or within any other time limit agreed in writing with the local planning authority). If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species as may be agreed with the Local Planning Authority.

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

- 05** The development hereby approved shall be carried out and completed in accordance with drawing AP234-P0002 Revision E dated 09/03/18 in relation to the highways works and new access road shown for the development in accordance with a timescale that has been submitted to the local planning authority and approved in writing before the development is first occupied.

Reason: In the interests of highways management and safety in accordance

with Core Strategy (2007) policies KP2, CP3, CP4; Development Management Document (2015) policy DM15 and the advice contained within the Design and Townscape Guide (2009).

- 06** The development shall not be occupied until 92 car parking spaces, of which 10 shall be for disabled users, have been provided at the site and made available for use in accordance with drawing AP234-P002 Revision E (dated 09/03/18) together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

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

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

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

- 08** The development shall not be occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing AP234-P0002 Rev. E (dated 09/03/18) have been provided at the site and made available for use in full accordance with the approved plans. The approved scheme shall be permanently maintained thereafter.

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

- 09** The development shall be undertaken in accordance with the approved Construction Phase (Health, Safety and Environment) Plan (Construction Method Statement) by SES reference WH181 dated March 2018 – version 1 or any other construction method statement previously submitted to and approved in writing for this development by the local planning authority.

Reason: In the interests of visual amenity and the amenities of neighbouring occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

- 10** No surface water drainage works shall take place until details of the implementation, maintenance and management of a scheme for surface

water drainage works incorporating Sustainable Urban Drainage (SUDS) Principles have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is occupied and brought into use and be managed and maintained as such thereafter. Those details shall include:

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration features should be included where infiltration rates allow;

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

iii) a timetable for its implementation; and

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (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 occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

12 Before the development is first occupied or brought into use, the dwellings in blocks C and D/E hereby approved shall be carried out in a manner to ensure that they comply fully with the building regulation M4 (2) 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 (2018), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

- 13 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2018) Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

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

Reason: To avoid overlooking and the resultant loss of privacy of the adjoining residential properties, in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

- 15** No development above the current ground level shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment from contaminated land have been submitted to and approved in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The approved remediation scheme shall be implemented in full prior to the first occupation of the dwellings hereby approved. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 16** All the noise mitigation measures outlined in the Environmental Noise Assessment Report No. ENV1-SOUT-040 version 2 of 29 November 2017 to protect future residents of the building from the impact of vehicular noise along Fairfax Drive and noise from football stadium activity must be implemented in their entirety prior to occupation of the buildings hereby approved to achieve an internal noise level of no greater than 30dB and the approved measures implemented shall be maintained in perpetuity.

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

- 17** The development shall be undertaken and thereafter managed in perpetuity in strict accordance with the approved car park management and waste strategy dated August 2018 or any other car park management and waste strategy that has been previously submitted to and approved in writing by the local planning authority.

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).

- 18** With reference to British Standard 4142, the noise rating level arising from all plant and extraction/ventilation equipment installed at this site in accordance with this consent shall be at least 5dB(A) below the prevailing background noise level at 3.5 metres from ground floor façades and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.

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

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

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

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

Reason: To ensure that the development contributes to local ecology in accordance with the National Planning Policy Framework (2018) and Policies KP2 and CP4 of the Council's Core Strategy (2007).

- 21** Before the development is occupied or brought into use, and notwithstanding details shown on the plans hereby approved, units B12, B13 and B14 on the ground floor of Block B shall be implemented as wheelchair accessible units to ensure compliance with the building regulation M4(3) standard in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development includes units suitably accessible for people using wheelchairs in accordance with the National Planning Policy Framework (2018), the Core Strategy (2007) Policy KP2, Policy DM8 of the Development Management Document (2015) and the Council's Design and Townscape Guide (2009).

22 The development shall not be occupied until a scheme of highway signage both for the internal roadway within the site and outside the site in the vicinity of the site access/ egress, such scheme to incorporate signage to inform drivers about prohibited right turn movements into and from Fairfax Drive, has been submitted to and approved in writing by the Local Planning Authority. These works shall also form part of a Section 278 Highways Agreement. All the approved signage shall be implemented in full accordance with those approved details, prior to occupation of any of the development and shall be permanently maintained thereafter.

Reason: To ensure that traffic movement is satisfactorily managed in the interests of highway 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).

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 16th January 2019 (or an extension of this time as may be agreed by the Director of Planning and Transport or Group Manager Planning & Building Control), the Director of Planning and Transport or Group Manager of Planning and Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for affordable housing, highway works, travel packs, biodiversity mitigation or education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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

01 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.

- 02 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.**
- 03 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.**
- 04 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing, secondary education and biodiversity mitigation, management protection and education.**
- 05 The works to existing highway will require a Section 278 agreement or Highways Licence.**