

Reference:	18/01820/FULM	
Ward:	Leigh	
Proposal:	Demolish existing buildings and erect 5 storey building comprising of 17 self-contained flats with balconies and amenity space, 272 sq.m of commercial retail floorspace (Class A1) at ground floor level, layout landscaping, parking and install vehicular access onto Victor Drive (Amended Proposal)	
Address:	Car Wash 120 Broadway Leigh-On-Sea Essex SS9 1AA	
Applicant:	Plaistow Broadway Filling Stations	
Agent:	Phase 2 Planning	
Consultation Expiry:	7 th February 2019	
Expiry Date:	7 th April 2019	
Case Officer:	Abbie Greenwood	
Plan Nos:	15223se-01, 15223se-02, 1047.001.01, 1047.200.08, 1047.201.05, 1047.202.06, 1047.203.09, 1047.204.08, 1047.205.04, 1047.206.04, 1047.203.09, Illustrative Visual 1, 2 & 3, Planning Statement by Phase 2 Planning and Development Ltd Reference C14100 dated September 2018, Design and Access Statement by DAP Architecture, Transport Assessment by Ardent reference V672-01 dated September 2018, Noise Impact Assessment by Cambridge Acoustics dated May 2016, Addendum to Noise Impact Assessment by Cambridge Acoustics dated January 2019, Heritage Statement by Heritage Collective reference 2549A dated August 2018, Energy Statement by NRG Consulting reference ES/B/201807-BC dated July 2018, Daylight & Sunlight & Overshadowing Study by Delva Patman Redler dated July 2018, Recycling and Waste Management Plan dated November 2017, Sustainability and Energy Report by DAP Architecture, Flood Risk Statement and Drainage Strategy By Ardent reference V672-02 dated September 2018, Arboricultural Impact Assessment Report by Sharon Hosegood Associates reference SHA207RevA dated 7.8.18, Geo-environmental Assessment by Jomas	

	reference P9093J631 dated 8.7.15, Breeam Assessment by NRG Consulting reference BREEAM/BLOS/201807-JD, Development Viability Assessment by Arebray V2 dated September 2018 V1 dated January 2019
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 erect a mixed use development varying between 3 and 5 storeys in height, totalling 17 units (6x1-bed (35%), 8x2-bed (47%) and 3x3-bed (18%)), together with associated ground floor commercial space (use classes A1 (retail) / A2 (financial services)) totalling 244 sqm split into two units. 10% of the units are M4(3) compliant and suitable for wheelchair users. All other units are M4(2) compliant (accessible dwellings).
- 1.2 The scheme provides off street parking for 17 vehicles including 1 disabled parking space behind the commercial units in the form of double car stackers and one outside space. This equates to 1 space per residential unit. No parking is proposed for the commercial units. The parking spaces will be accessed from Victor Drive via an existing access. Two existing crossovers to the Broadway frontage will be reinstated and a loading bay will be formed on this frontage to serve the new commercial units. The proposal includes secure residential cycle parking for 17 cycles and separate refuse stores for the commercial and residential uses. An additional 5 Sheffield cycle stands are proposed in the pavement to the front of the site for visitors.
- 1.3 The proposed new building is 38m wide and 21.2m deep following the pavement line on Broadway and Victor Drive. The lower 3 floors are brick finish with feature stone detailing to reference the materials of The Grand Hotel opposite. This section of the building is a maximum 11.7m high. The top two floors step back from the edges of the building to all sides to varying degrees. The 3rd floor is 32m long facing Broadway and 11.9m wide facing Victor Drive and has a maximum height of 14.4m including an integral balustrade to the front terrace. The 4th floor reduces to 20.7m facing Broadway and 15.5m facing Victor Drive and has a maximum height of 15.9m. The top two floors are proposed to be a translucent style glass cladding designed to reflect and blend in with the sky. At ground floor the shopfronts are curtain glazing and set below a colonnade. All of the flats have private balconies or terraces ranging from 4 sqm to 80 sqm. The proposal also includes 2 communal roof gardens totalling 196.4 sqm, one at first floor to the rear and one at fourth floor to the south side of the building.
- 1.4 The proposal includes associated landscaping to the front of the site, comprising the provision of four new street trees, three on the Broadway frontage and the fourth to the south of the site facing Grand Drive.
- 1.5 The proposal does not include a policy compliant contribution to affordable housing. A viability assessment has been submitted to seek to justify this position. This is discussed in more detail below.
- 1.6 The application is supported by a Planning Statement, Design and Access Statement, Heritage Statement, Daylight and Sunlight Report, Transport Assessment, Car Park Management Strategy, Travel Plan, Accommodation Schedule, a Breeam Assessment, Noise Impact Assessment and, Contaminated Land Survey, Energy Statement, Flood Risk Assessment/Drainage Strategy, an Arboricultural Impact Statement, a Topological Survey and a Viability Statement.

- 1.7 The application is an amended proposal following two previous refusals. One in 2017 (17/02146/FUL) was for a four storey building of 9 units and the other in 2016 was for 20 units over 5 floors (16/01756/FULM). The 2017 scheme was refused solely because it was considered to be a significant under provision of units that could reasonably be achieved on this site and as such it would fail to contribute to the Borough's Housing need or make a contribution to affordable housing. The 2016 application for 20 units was refused solely because it did not make a formal contribution to affordable housing or education facilities despite it having been found to be financially viable to do so. In neither application did the Council object to the design, scale, parking provision or neighbour impacts of the respective proposals.
- 1.8 Although for fewer units, the originally submitted proposal for this current application was noticeably larger than the 2016 scheme. Following concerns raised by officers in regard to scale, detailed design and impact on the adjacent heritage assets, the proposal has been reduced and the design detail amended to more closely resemble the 2016 scheme which was only refused on lack of affordable housing and not design, scale or heritage impact. These amendments can be summarised as:
- Significant reduction in length and widths of floors 3 and 4 so that they appear more subservient to the lower floors and in the streetscene and are more in line with the 2016 scheme.
 - Small reduction of overall height and removal of peaked feature roof form at southern end to reduce the scale of the building in the streetscene and focus attention to the lower levels.
 - Increased level of glazing to the top 2 floors including lowering the sill of 4th floor fenestration to reduce the perceived scale of the 3rd floor.
 - Change of materials to floors 3 and 4 back to the glass cladding specified in the 2016 application which was previously considered to be acceptable and which is considered to a suitably lightweight, interesting and higher quality appearance.
 - Reduction in width of stair core to provide greater separation to 5-7 Victor Drive.
 - Amendment in the placement of windows to floors 1 and 2 to add more interest to the elevations.
 - Increased set back at ground level to provide step in ground floor frontage to highlight residential entrance and provide more space for pedestrians.
 - Increased set back to the bin stores to south to reduce prominence in the streetscene.
 - Confirm ground floor uses as A1 or A2 only.
- 1.9 The impact of these changes is discussed in more detail below.

2 Site and Surroundings

- 2.1 The site is located at the junction of Broadway, Victor Drive and Grand Drive. There is currently a two storey commercial building on the southern end of the site (class A1). Most of the site to the north is open land and was until recently used as a hand car wash (Class sui generis). This business has now moved to London Road.
- 2.2 Opposite the site to the west is the Grand Hotel, a locally listed landmark building which is currently undergoing a conversion to a mixture of commercial units and flats. This building marks the eastern end of the Leigh Cliff Conservation area which also includes the two street blocks facing the site to the west. The southern end of the application site forms the terminating view out of the conservation area when viewed from Leigh Broadway looking east. In closer views it also forms part of the setting of The Grand including within a key view of The Grand Hotel from Grand Drive.
- 2.3 To the north, the site adjoins the 5 storey Grand View development (136 Broadway). This is a modern design with a commercial unit to the ground floor and a reduced scale at 3 and 4 floors. This development was allowed on appeal following refusal on grounds of scale and design. This decision and the building therefore influences the judgement made by the Council as to the scale and height of development which would be acceptable on the application site.
- 2.4 To the east, the site adjoins the more domestic streetscene of Victor Drive. The closest neighbour are numbers 5-7 which are traditional semi-detached houses of 2.5 storeys. To the south east in Grand Drive are a couple of large 1970s style residential blocks. These are set down the slope from the site and the other development in Broadway and as such their prominence in the main streetscene of the Broadway is reduced. They are not considered to be positive features in this location or representative of local character. They are of their time.
- 2.5 The site is located within the district centre of Leigh and within a designated secondary shopping frontage. The site lies within Flood Risk Zone 1 (low risk).

3 Planning Considerations

- 3.1 The main considerations in relation to this proposal are the principle of the development; design and impact on the character of the area including the setting of the locally listed Grand Hotel and the Leigh Cliff Conservation Area; impact on the amenity of neighbouring buildings; standard of accommodation for future occupiers; traffic generation; access and parking implications; sustainable construction including the provision of on-site renewable energy sources; CIL (Community Infrastructure Levy) and developer contributions and in the above respects whether this amended proposal satisfactorily overcomes the reasons for refusal of the previous applications. The local planning framework has not altered since those two earlier refusals. The National Planning Policy Framework was revised in March 2019. The majority of its policies have not changed materially in regards to the policy considerations material to this proposal.

However, the new framework includes greater emphasis on the strategic delivery of housing and confirms (para11) that plans and decisions should apply a presumption in favour of sustainable development.

4 Appraisal

Principle of the Development

National Planning Policy Framework (2019) (NPPF), Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP2, CP3, CP4, CP6, CP8; Development Management Document (2015) Policies DM1, DM2, DM3, DM5, DM7, DM8, DM13, DM14 and DM15; and advice in the Design and Townscape Guide (2009)

- 4.1 One of the key objectives of the NPPF is the provision of housing.
- 4.2 Policy KP1 of the Core Strategy seeks the provision of additional homes within the Borough. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located.
- 4.3 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.
- 4.4 Policy DM1 of the Development Management Document seeks to promote successful places. Policy DM1 also requires new development to be of a design that positively contributes to the overall quality of an area and respects the character of a site and its local context.
- 4.5 Policy DM3 seeks to support development that is well designed and that looks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 4.6 Policy DM5 requires that all development proposals that affect a heritage asset to conserve and enhance its historic and architectural character, setting and townscape value.
- 4.7 Policy DM7 states that the Council will encourage new development to provide 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.
- 4.8 In relation to development within a secondary shopping frontage DM13 states '*All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.*'

- 4.9 Policy DM15 states that development will be supported 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.

Residential Use

- 4.10 The site is brownfield land within the district centre of Leigh. The principle of a mixed use development with commercial uses at ground floor and residential development above on this site was not a reason for refusal of either of the previous two applications and was judged acceptable having regard to the policy context. The principle of using this site for a residential led mixed use proposal is therefore considered acceptable.

Housing Mix and Affordable Housing Provision

- 4.11 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.
- 4.12 The Southend-on-Sea Housing Strategy 2011, the Strategic Housing Market Assessment (SHMA) 2017 and the Council's Community Plan 2011-2021 seek to provide sustainable balanced communities and advise that housing developments will need a range of tenures and size of dwelling. The SHMA has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation. The provision of high quality, affordable family homes is an important strategic housing priority in Southend. The Core Strategy also highlights a need to retain a stock of larger family housing.
- 4.13 Policy DM7 sets out the desired mix of dwellings types and sizes in all new major residential development proposals. This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The desired mix for major schemes is as follows:

Market Housing

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	9%	22%	49%	20%

4.14 Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council.

4.15 Policy CP8 seeks an affordable housing provision of 20% for residential proposals of between 10-49 dwellings. The desired mix for affordable housing units is as follows:

Affordable Housing

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	16%	43%	37%	4%

4.16 Policy DM7 also states that where affordable housing is proposed an indicative tenure mix of 60:40 between social and/ or affordable rented accommodation and intermediate housing is sought respectively.

4.17 The proposed market housing mix is as follows:

Scheme Market Housing Mix

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	35%	47%	18%	0%

4.18 This differs from the preferred mix in DM7 however it is noted that for a town centre flatted development, the proportion of 3 beds is higher than many other flatted schemes recently approved in the Borough. It is also noted that the number of larger units is higher than the 2016 scheme which was found to be acceptable and which was also assessed against Policy DM7.

4.19 In relation to this issue the planning statement submitted with the application comments that the site is not suitable for large numbers of family sized units given its constraints, location and the viability of the development. The statement also points out that the proposal includes a significant amount of larger units as compared to other town centre sites.

4.20 Taking account of the site context and nature of development proposed, it is considered that the above mix, which includes a reasonable element (18%) of larger 3 bedroom market housing units capable of family occupation plus 47% two bedrooomed units, would make a satisfactory contribution to the Council's housing policy objectives.

4.21 As with the previously refused applications the proposal also seeks to provide a sizeable element of commercial development appropriate to a retail area at ground floor (244 sqm). This is a reduced amount of commercial space as compared to the 2016 scheme however this is because it is reduced in depth to allow for an amended parking layout. It still maintains an active frontage to the whole of the Broadway and part of Victor Drive as was achieved in the 2016 scheme. It is considered that a mixed use development and units of the size proposed are appropriate for this location which is within a secondary shopping frontage and the district centre of Leigh. It is envisaged that the mix of uses proposed will help to enliven the streetscene, provide additional housing and contribute to the regeneration of this area. This would support sustainable development, the policy objectives for this area and the objectives of the NPPF.

Affordable Housing Provision

- 4.22 The proposal does not include a policy compliant contribution to affordable housing because the applicant states that there is not enough surplus in the scheme to support a 20% affordable housing contribution. A viability report has been submitted with the application to seek to justify this position.
- 4.23 The Council has commissioned an independent appraisal of the submitted viability report. This concurs with the applicant's conclusion that the development cannot support a policy compliant affordable housing provision at this time. Negotiations between the appellant and the Council's viability consultant have resulted in an agreed contribution of £57,639 towards off site affordable housing provision. This would be secured via the S106 agreement.
- 4.24 Overall, it is considered that the principle of this form, scale, type and mix of development in this location is consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

Design, regeneration and the impact on the character of the adjacent conservation area and wider streetscene.

National Planning Policy Framework (2019) (NPPF), Core Strategy (2007) Policies KP1, KP2, CP4; Development Management Document (2015) Policies DM1, DM3, DM4 and DM5 and advice in the Southend Design and Townscape Guide (2009).

- 4.25 Paragraph 124 of the NPPF states that *'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'*
- 4.26 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.
- 4.27 Development Management Policy DM5 seeks to protect the significance of conservation areas and locally listed buildings. This includes development affecting the setting of Heritage Assets.
- 4.28 Under Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

Scale and Form

- 4.29 There are a variety of building scales in this location. Grand View immediately north of the site is 5 storeys, The Grand and Southdown Court to its north are tall 4 storeys, the shops in the Broadway are 2-3 storeys and the development in Grand Drive and Victor Drive ranges from 2-7 storeys.

What is appropriate for each site will depend on its specific context and position, the detailed design and how it seeks to break up the massing of the proposal. It is also noted that land levels vary significantly in this area.

- 4.30 The site is a prominent location on a key corner. Its proximity to The Grand Hotel and the conservation area means that how scale is distributed across the site needs to be carefully considered so that it does not appear unacceptably dominant of the historic landmark or the wider streetscene. The site currently has a very limited amount of built form. There is a modest two storey building with hipped roof on the corner. Behind this the majority of the site is open land with small scale incidental structures associated with the former car wash. This arrangement has left a sizable gap in the street frontage in this key location and the streetscene is considered to be visually weak and lacking in enclosure. This is to the detriment of the surrounding area including the conservation area.
- 4.31 The proposal seeks to erect a part 3 storey part 4 storey and part 5 storey development of 17 flats with 2 commercial units at ground floor. The building has been designed to have a solid brick base referencing the lower scale of development in the area, above which there are two further floors which step back significantly from the frontages and are proposed to be constructed of light weight high quality materials so that they appear more subservient in the streetscene.
- 4.32 Over the past few years the Council has had lengthy discussions with the architects about how to approach scale on this site. Usually, on corner sites, there is a tendency to increase the height of the building at the corner as a feature, however, in this case this option was not considered to be suitable because of the impact it would have on the terminating view from the conservation area and on the setting of The Grand. The recent appeal decision for The Grand recognised and ratified the Council's position that the key views of this local historic landmark are from Grand Drive to the south east and from the conservation area to the south west. It was considered that siting a taller element on the corner of the development site would interfere with these views and cause harm to the setting of the heritage assets. It was therefore agreed with the architect that the height would sit more comfortably at the northern end of the site adjacent to the 5 storeys of Grand View. It is noted that Grand View is set at a higher land level than the application site. It is therefore considered that the proposal should be subservient to the height of Grand View so that the development appears to step down following the slope of the land.
- 4.33 The 2016 proposal followed this approach to scale and form. This proposal was refused solely for the lack of a formal contribution to affordable housing and education facilities and not because of design or scale or because of the impact on the surrounding heritage assets. In this respect it was considered to have achieved an acceptable balance between quantum of development and response to context and was judged to have an acceptable impact on the streetscene and neighbouring conservation area. Although refused, having been made against the same local policy context, the basis of that decision is a material consideration.

- 4.34 Although the number of units has been reduced from 20 to 17, the current proposal is larger than the 2016 scheme. The scheme originally submitted under the current application, which had significantly longer, wider and taller 3rd and 4th floors than the currently amended proposal, was considered to have tipped the balance away from an acceptable scale and form such that it was initially considered to have a harmful impact on the streetscene and key views into and out of the conservation area and was therefore unacceptable in this regard. Following discussions with the agent and architect during the course of this application, the scale and design of the upper floors have been materially reduced and the design amended. These amendments are listed at paragraph 1.8 above and include a significant reduction in scale of the upper 2 floors, greater setbacks from the south elevation and a change in appearance. In its material regards, the resultant scheme is now much more akin to the 2016 scheme which was judged to be acceptable on this basis. The amended proposal also includes an improvement in the design detail including better quality materials, and improved arrangement of glazing and a simplified form. These have helped to offset the scale of the upper floors as they did with the 2016 proposal. This has enabled the development to appear more subservient in this historic context. The amended proposal is still slightly larger than the 2016 scheme but not unacceptably so and the reduction over the initial submission is significant. Overall therefore, it is considered that the amended scale and form of the proposal, including the increased setbacks of the upper floors and the improved detailing and materials, has brought the proposal back within acceptable limits such that it would sit comfortably in the streetscene in this context and would have an acceptable impact on the setting of The Grand and the views into and out of the adjacent conservation area. The form and scale of the proposal is therefore considered to be acceptable and policy compliant in the above regards.

Detailed Design

- 4.35 The success of the proposal in the streetscene will also rely on achieving a well-designed and detailed building and using good quality materials. The articulation of the building is important because it helps to break up the scale of the frontage and adds interest and layering to the building. The detailed design for this proposal has been amended during the course of the application. It is now along the same lines as the 2016 proposal in terms of appearance which was previously considered acceptable.
- 4.36 The proposal has 3 distinct elements, the commercial frontage at ground floor, the solidity of the brick middle section and the lightweight top floors. The commercial frontage has been designed with a recessed colonnade feature. This references the colonnade at Grand View but will also be a feature at ground level. The design of this element has been amended to set back the northern commercial unit so that there is more space for pedestrians in this location and to enhance the design of the residential entrance with a feature glass corner to the street. The refuse stores on the south elevation have also been set back to reduce their prominence in the streetscene. These amendments are considered to have enhanced the proposal at ground level and overall, subject to detailing, it is considered that the scheme would provide a positive pedestrian experience. It will be important to ensure that the shopfronts themselves are well designed with good signage and that they maintain an active and attractive frontage to the street. This can be controlled via conditions relating to the detailing of this element.

- 4.37 The brick section in the middle of the proposed development brings solidity to the proposal. The brick has been chosen to complement the red brick of The Grand Hotel to help to integrate the proposal into the historic streetscene in this location. The fenestration here includes a combination of tall windows and inset balconies all of which will have feature stone framing, another reference to the materials of The Grand, but their simple detailing ensures that they should not upstage or compete with the decoration of the locally listed building. The vertical proportions of the fenestration will balance against the horizontality of the building generally helping to break down the length of the frontage. Again the detailing of this section and in particular the framing and balconies and the quality of materials will be key to its success and would be controlled via conditions. This approach has been accepted in previous applications.
- 4.38 On the upper floors, as noted above, the development seeks to achieve a more lightweight feel so that it does not appear top heavy and the choice of materials is key to this. The proposed frosted glass cladding has been chosen because it will reflect the sky and not appear too solid and would seem to be a well-considered choice. This material was previously proposed for the 2016 application and was considered acceptable in this respect.
- 4.39 The proposal at ground level will be complemented by landscaping around the frontage of the site. The Design Statement states that 3 trees will be planted, two on the Broadway frontage and one in the pavement to the south of the site. These will enhance and soften the development in the streetscene and can be secured via the S106 agreement. It is also pleasing to see that the parking for the development will be screened behind the commercial units away from public view.
- 4.40 Viewed comprehensively it is considered that the resulting form and massing, detailed design, layout and use of external materials would satisfactorily complete the missing street frontage over this significant section of Broadway and would be suitably responsive to the mixed character of uses and buildings around the site including the adjacent conservation area and setting of the locally listed Grand Hotel. The scheme is considered to represent an acceptable standard of design in terms of its appearance in this location and wider streetscene. The design of the proposal is therefore considered to be acceptable and policy compliant in the above regards subject to conditions controlling the detailing of key features and materials.

Landscaping

- 4.41 An indicative landscaping design is shown on the plans and the Design and Access Statement also makes a commitment to additional landscaping (street trees) in the public realm close to the site. Full details of the landscaping scheme including the design of the communal amenity areas and planting specifications can be secured via condition. The street tree planting and other structures on the highway such as cycle racks can be secured via the S106 agreement. The landscaping proposals are therefore considered acceptable and policy compliant in this regard.

Quality of Accommodation for Future Occupiers

National Planning Policy Framework (2019) (NPPF), Core Strategy (2007) Policies KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM8; Design and advice in the Southend Design and Townscape Guide (2009); the National Technical Housing Standards (2015)

- 4.42 The NPPF states that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.43 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 and seek to ensure good relationships between new and existing development.
- 4.44 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users.

Internal Space Standards

- 4.45 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 4.46 Paragraph 127 of the National Planning Policy Framework 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*'.
- 4.47 All new residential development is required to meet the space requirements set out in the Nationally Described Space Standards. These standards require:
- 50 sqm for a 1 bed 2 person unit
 - 61 sqm for a 2 bed 3 person unit
 - 70 sqm for a 2 bed 4 person unit
 - 74 sqm for a 3 bed 4 person unit
 - 86 sqm for a 3 bed 5 person unit
 - 95 sqm for a 3 bed 6 person unit
 - Master bedroom to have a minimum floor area of 11.5 sqm and a minimum width of 2.75m
 - Other doubles to have a minimum floor area of 11.5 sqm and a minimum width of 2.55m
 - Single bedrooms to have a minimum floor area of 7.5 sqm and a minimum width of 2.15m
 - Storage of 1 – 1.5sqm should be provided for 1-2 person dwellings, a minimum of 2sqm storage area for a 2 bed dwelling and 2.5 sqm for a 3 bed dwelling.

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

- Private Amenity space: 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 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.
- Home Working Facilities: 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.

4.49 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards with 10% of dwellings in major developments being adaptable for wheelchairs and meeting M4(3)(a) standards.

4.50 The plans supplied with the application demonstrate that all the proposed development will meet the National Technical standards for individual unit and bedroom sizes and storage provision.

4.51 Lifts serve all proposed dwellings. The planning statement at paragraph 6.48 confirms that 10% (2 units) are wheelchair accessible or adaptable to building regulations M4(3) standards and the remainder are accessible dwellings to building regulations M4(2) standard. This meets the policy requirement and can be secured by condition.

Daylight and Sunlight for Future Occupiers

4.52 The plans show that all habitable rooms will be provided with sufficient windows and openings to provide adequate ventilation and outlook. A Daylight and Sunlight Assessment has been submitted to assess the standards of light within the proposed dwellings. This document concludes that 94% of rooms would meet or exceed the recommendations of the BRE guidelines in terms of the Average Daylight Factor. 3 rooms would fall below the recommended guidelines because of shadowing caused by balconies. In these cases it is considered that the benefit of the balcony offsets the slightly reduced quality of light in the room.

4.53 The Council's Environmental Health Service has reviewed this document and has not raised any objections to the standard of the proposed accommodation in terms of daylight and sunlight. Overall the results are considered to be acceptable and representative of an urban environment such as this.

Amenity Space Provision

- 4.54 The proposal has a good level of outdoor amenity space. All units benefit from a useable 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. In addition all future residents will have access to some 196.4 sqm communal roof terraces at 1st and 4th floors. The total provision of outdoor amenity space for residents is considered acceptable and compliant with the objectives of Policies CP8, DM3 and DM8.

Noise

- 4.55 A Noise Assessment has been submitted which considers the site's prevailing noise climate and assesses potential noise impacts that may affect future occupiers particularly from the adjacent road. The assessment concludes that RW 6/12/6 glazing specification for (RW32) all habitable rooms combined with a new 55 ventilation system, would address any potential noise concerns related to road traffic noise and would achieve the relevant internal standard in British Standard 8233. These mitigation measures can be secured via a condition.
- 4.56 An addendum to the noise assessment has also been submitted which considers the noise potential from the proposed car stacking system. The report concludes that, as the exact model for the stacking system has not been determined, a condition should be imposed to require this information to be submitted prior to installation to demonstrate the impact and to ensure that the system has any mitigation measures necessary to prevent a nuisance for potential residents and neighbours. The Council's Environmental Health Officer has confirmed that this would be acceptable.
- 4.57 In relation to the commercial units the agent has confirmed that they are seeking consent for an A1 or A2 use classes only. These use classes are considered to be low risk in terms of noise nuisance. Nevertheless, it is considered that a noise condition should be imposed to restrict noise from any plant related to these units.
- 4.58 Overall therefore it is considered that, subject to these conditions, the proposal would provide an acceptable standard of accommodation for future occupiers and is policy compliant in this regard.

Impact on the Amenity of Neighbouring Occupiers

National Planning Policy Framework (2019) (NPPF), Core Strategy (2007) Policies KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM8; advice in the Southend Design and Townscape Guide (2009); the National Technical Housing Standards (2015)

- 4.59 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.

- 4.60 In relation to the impact on neighbour amenity Policy DM1 states *'In order to reinforce local distinctiveness all development should .iv) Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight'*
- 4.61 In relation to infill development Policy DM3 states *' All development on land that constitutes infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals..(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents'*

Light, Outlook and Privacy

- 4.62 The proposed development has its main length of frontages and outlook facing west and south. There are no windows facing north. The windows facing east are secondary windows to bedrooms, bathrooms or corridors and are all denoted as being obscure glazed on the plans.
- 4.63 The closest residential neighbour to the site is Grand View Apartments to the north. There is a separation distance of 3.5m – 5.1m between the proposed development and the south elevation of this neighbour. The proposal has a very narrow frontage on this side measuring only 7.8m. This is less than half the width of Grand View on this side and significantly less over all floors than the 2016 proposal, for the application site, which was judged to have an acceptable impact on this neighbour in this regard. The development would be a maximum height of 15.4m on its north elevation dropping to 13.3m and then to 11.7m towards the front section of the site. This is marginally taller (0.5m) than the 2016 proposal.
- 4.64 A daylight and sunlight report has been submitted with the application. In relation to the impact on the light to Grand View Apartments it concludes that none of the windows in Grand View Apartments would receive sunlight levels below the BRE guidelines. In relation to daylight there are a few windows which fall short of the guidelines but this shortfall is partly attributed to the shadowing impact of the overhanging balcony and the currently high levels of daylight as a consequence of the open site to the south. It is also noted that the windows affected are not the sole source of light to the rooms they serve. The Council's Environmental Health officer has reviewed the data and considers this impact to be within acceptable limits for this type of development and context. It is also noted that the current proposal represents an improvement in daylight over that considered acceptable in the 2016 development. The impact on the daylight of residents is therefore considered to be acceptable. It is also judged that, in this urban context, the proposal would not be harmfully overbearing on this neighbour.
- 4.65 No windows are proposed in the northern elevation of the development so there will be no harmful overlooking of this neighbour as a result of the development. It is therefore considered that the impact of the proposal on the amenities of this neighbour is acceptable and policy compliant in this regard.

Impact on 5-7 Victor Drive

- 4.66 The main brick built section of the proposal is set 5.2m from 5-7 Victor Drive. This decreases to 4.2m where there is a projecting bay window but this is a small element of the overall design. At the upper levels the separation distance increases to 8.7m. The brick element of the proposal on this side is 11.6m tall. This is 1.5m above the ridge line of 5-7 Victor Drive. The maximum height of the 4th floor to Victor Drive is 16.4m but it is noted that the width of the proposal is significantly reduced for the upper 2 floors on this side as it relates to the staircase only and not flatted accommodation. There are 4 windows facing east on the closest section of the building but these are to bathrooms and the staircase only and are proposed to be obscure glazed. The plans confirm that the windows facing east on the main body of the proposal, which is set 11.2m from the east boundary, are all obscured. It is also noted that the amenity decks on this side are proposed to have privacy screens. 5-7 Victor Drive has 1 window and a 2nd floor amenity terrace with privacy screen on its west elevation facing the site.
- 4.67 The 2016 scheme was judged to have an acceptable impact on this neighbour. The current proposal has a few differences to the 2016 scheme. The main brick element of the building to the front is 0.8m closer to number 5 Victor Drive. The 2016 scheme did not have a stair tower in this location so the upper floors were set further from this neighbour. However, the current proposal has been significantly cut back away from the east boundary at the northern end of the site. This will significantly reduce the impact of the main body development on this neighbour both in terms of the enclosure impact of its scale close to the shared boundary and the omission of 10 windows facing east within this element of the building. These windows were proposed as obscure glazing and the terraces here protected by louvres however, there would have been a degree of perceived overlooking from these 4 flats although these were previously considered to be within acceptable limits. This element of the proposal has now been omitted from the scheme.
- 4.68 The daylight and sunlight report concludes that the proposal will have no material impact on sunlight and almost no impact on daylight in relation to this neighbour. The Council's Environmental Health Officer considers the scheme impacts to be acceptable. In relation to the scale of the development on this site, when compared to the 2016 proposal which was judged to have an acceptable impact in these regards, it is considered that the increase in scale to the front of the site arising from the relocated staircase and a slightly reduced separation distance, is acceptably offset by the loss of the 4 flats close to the boundary towards the northern end of the site. It is also considered that there will be no material harm caused by overlooking subject to the appropriate landscaping and screens to the proposed amenity areas. This can be secured via a condition. Overall therefore and, subject to conditions, it is considered that the impact on the amenities of this neighbour is acceptable and policy compliant in this regard.
- 4.69 In relation to other properties in the area it is considered that the separation distances are sufficient to ensure that the proposal will not appear overbearing or result in a loss of light or privacy to surrounding properties. Overall therefore, the impact of the proposal on the amenities of neighbours in terms of light, outlook and privacy is judged to be acceptable and policy compliant in this regard.

Noise and Disturbance

- 4.70 The proposal will be an intensification of the site, includes new commercial uses (class A1 and A2) and a 16 car vehicle stacking system. All these items have the potential for noise generation, however, it is noted that the existing site has been used as an open car wash for many years which is in itself a noise generating use. Given the context of the site within the commercial centre of Leigh, it is considered that the noise generated by the new residents and the proposed A1 and A2 uses is reasonable in this context and is offset by the loss of the car wash use on this site. It will, however, be necessary to control delivery times in this location to ensure that they are within reasonable hours and do not cause a harmful degree of disturbance to neighbouring residents. This can be achieved via a condition.
- 4.71 The proposed car stacking system is located within an open undercroft to the rear of the development close to the boundary with 5-7 Victor Drive. No information has been submitted with regard to the potential noise from this system. The applicant has agreed to submit required details prior to the commencement of the proposal so that any necessary noise mitigation measures can be built into the design before the system is installed and made operational. This can be achieved via a condition.
- 4.72 Overall therefore, subject to these conditions, the impacts of the proposal on neighbouring occupiers is considered acceptable and policy compliant.

Traffic and Transportation

National Planning Policy Framework (2019), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) Policy CP3, Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy PA8 of the SCAAP (2018) and advice within the Southend Design and Townscape Guide (2009)

- 4.73 Policy CP3 of the Core Strategy seeks to widen travel choice and improve road safety. 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.'*
- 4.74 In relation to parking, Policy DM15 of the Development Management Document states that one off-street parking space should be provided for each dwelling however it notes that *'Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.'*
- 4.75 In relation to parking for new mixed use schemes Development Management Policy DM15 seeks a minimum of 1 space per flat and a maximum of 1 space per 20sqm for use classes A1 or A2 except for food retail (class A1) which requires a maximum of 1 space per 14 sqm.

- 4.76 Policy DM15 requires new residential flats to provide a minimum of 1 secure cycle space per unit. Additional cycle spaces are required to serve the commercial units.
- 4.77 Policy DM15 requires all major developments to accommodate servicing and emergency vehicle access.

Access and Servicing

- 4.78 It is noted that there are a full range of facilities, amenities and services including a variety of public transport modes within walking distance of the site. It is therefore recognised as being in a very sustainable location.
- 4.79 The proposal site is accessed by vehicles from Victor Drive to the south. This is an existing access point. Two other existing vehicular accesses to the site's Broadway frontage, will be removed as part of the development. A loading bay to serve the commercial development is proposed to the Broadway frontage. This will require some of the existing footway space to ensure that it does not impact on traffic flow. To compensate for this, it is proposed that some of the site area will be designated to the Council to be used as replacement footway thus maintaining satisfactory pedestrian access past the site. This can be secured via a S106 agreement along with amendments to the Traffic Regulation Order (TRO) in this location. The Council's Highways officer has no objection to this arrangement or the proposed design of the loading bay. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Traffic generation

- 4.80 A Transport Assessment has been submitted with the application. This concludes that the traffic impact of the proposal will be less than the existing uses on site including the car wash and the commercial unit. The Council's Highway Officer concurs with this and has not raised any objections on traffic generation or highway safety grounds. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Car Parking

- 4.81 The proposed development provides 17 parking spaces including 1 disabled space to serve the residential development which equates to 1 per unit. These are proposed as 8 double car stackers and 1 open space within the dogleg of the site to the rear. The Council's Highways Officer is satisfied with this arrangement. The proposal is therefore policy compliant in terms of car parking for the residential development.
- 4.82 No off street parking spaces are proposed for the commercial units for which a maximum standard applies. The Council's Highways Officer comments that '*this is no different to other commercial premises within the vicinity*' and has raised no objections to the proposal on these grounds. It is not considered that there would be any harmful impact on parking or highways conditions. The parking provision of the proposal is therefore considered to be acceptable and policy compliant in this regard.

Cycle Parking

- 4.83 Secure cycle parking for 17 cycles, 1 per residential unit, is proposed at ground floor within the building. The plans show the location to be convenient and secure for users. This element of the proposal is therefore considered to be acceptable and policy compliant. No cycle parking is proposed for the commercial units within the building, however, 5 Sheffield cycle stands to serve visitors are proposed within the pavement to the front of the site. These can be secured via the S106 agreement. The cycle parking provision for the development is therefore considered to be acceptable and policy compliant.

Refuse and Recycling

- 4.84 Separate refuse storage for the residents and the commercial units is provided within the building with access from Victor Drive. This is considered to be an acceptable and accessible location. No information has been received in regard to the management and collection of this waste nor as to how the proposal intends to provide for and encourage recycling, however, it is considered that a Waste Management Plan could be conditioned to ensure that the proposal meets the requirements of the Council's guidance in this regard. Subject to this condition the refuse storage arrangements are considered to be acceptable.

Construction

- 4.85 Given the scale and location of the development it will be necessary for a construction management plan to be submitted to ensure that the free flow of traffic is not disrupted and to control dust and nuisance during construction. This can be required by a pre commencement condition. It is noted that some information has been submitted in relation to the control of waste following demolition but this does not constitute a full construction management plan.
- 4.86 Having regard to the applicant's detailed application and the information supplied with their Transport Assessment and other supporting documents, it is considered that overall the proposal will not have a detrimental impact on the local highway network. Therefore no highway objections are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway. A financial sum associated with any Traffic Regulation Order deemed necessary in association with the highway works which would involve carriageway /footpath re-alignment, any alterations to the existing site accesses, the proposed loading bays and physical measures and road markings can be covered by a Section 106 agreement.
- 4.87 Overall therefore the traffic and highways implications, including car parking, is acceptable and policy compliant in this regard.

Sustainable Construction

National Planning Policy Framework (2019), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM2 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Design and Townscape Guide (2009)

- 4.88 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 Design and Townscape Guide”*.
- 4.89 The submitted proposals are supported by a Sustainability and Energy Report which states that it is the intention to install an array of photovoltaic panels on the roof to provide renewable energy for the development. The strategy has also applied a ‘be lean’ and ‘be clean’ approach to the build which is stated to reduce the overall demand for energy and therefore the renewable energy requirement will be reduced. Energy calculations for the whole development have not been provided so it is not possible to ascertain what area of photo voltaics will be required to meet the 10% policy requirement; however, it is considered that given the extent of flat roof available the required amount will be achievable. The final details for the renewables can therefore be agreed via a condition. The proposal also makes a commitment to reduced water consumption in line with policy DM2. The proposal is therefore acceptable and policy compliant subject to this condition.
- 4.90 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.
- 4.91 A Drainage Strategy has been submitted with the application. This states that the proposed roof terraces will be drained via a podium deck drainage system (BluRoof or similar) which includes a water storage layer and flow restrictors and routes via a further storage tank within the parking courtyard to enable the flow of rainwater into the system to be controlled. The report demonstrates that this will withstand the impact of a 1:100 year rainfall event plus climate change. The Council’s Drainage Engineer is supportive of this approach but considers that further details need to be submitted in relation to infiltration testing, more detailed calculations of flow rates, how 1 in 100 year event exceedance flows will be managed and future management and maintenance. It is considered that these requirements can be secured via a condition.
- 4.92 In summary, subject to imposition of conditions, the sustainable construction implications would be acceptable and policy compliant.

Contaminated Land

- 4.93 The site has been in use as a car wash and prior to this a petrol filling station so a Phase 1 Contamination Desk Study and Preliminary Risk Assessment has been undertaken in support of the application to consider the potential for contamination on site. This assessment concludes that there is a likelihood of buried fuel tanks and associated contaminants on the site which will require removal and remediation. The Council’s Environmental Health Officer has reviewed the report and recommends that further investigation and a plan for remediation is agreed. This can be achieved with a prior to commencement condition. Subject to this the proposal is acceptable and policy compliant in this regard.

Planning Obligations

The National Planning Policy Framework (2019) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007), policies KP3, CP7 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

- 4.94 Paragraph 56 of the NPPF states that *‘Planning obligations must only be sought where they meet all of the following tests:*

- (a) Necessary to make the development acceptable in planning terms;*
- (b) Directly related to the development; and*
- (c) Fairly and reasonably related in scale and kind to the development.*

- 4.95 Paragraph 57 of the NPPF states *‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.’*

- 4.96 The National Planning Practice Guide makes it clear that *‘Where local planning authorities are requiring affordable housing obligations or traffic style contributions to infrastructure, they should be flexible in their requirements...On individual schemes applicants should submit evidence on scheme viability where obligations are under consideration.’*

- 4.97 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.”

- 4.98 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states the following:

The Borough Council will...enter into negotiations with developers to ensure that:

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

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

- 4.99 Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of “Supplementary Planning Document: Planning Obligations”
- 4.100 The provision of 20% affordable housing would equate to 3.4 units (3 units and a 0.4 contribution to affordable housing). The developer has submitted a viability statement which states that the provision of affordable housing would make the scheme unviable. This has been independently reviewed and verified and the Council and the developer have come to an agreed position of a contribution of £57,639 towards offsite provision of affordable housing. This will be secured via the S106 agreement.
- 4.101 The Education Team has confirmed that a contribution of £18,650 would be required for Chase High School expansion to mitigate the impact of this development. This has been agreed in principle with the agent. It is also considered the S106 will need to cover the proposed highways works including, the construction of the loading bay, 4 street trees and cycle stands, the provision of 2m clearance to the east of the loading bay to enable public access and the costs associated with the amendment of the Traffic Regulation Order in this area and Travel Packs for the new occupiers.
- 4.102 The S106 contributions can therefore summarised as:
- £18,650 (index-linked) contribution towards secondary education provision payable prior to commencement.
 - £57,639 towards off site provision of affordable housing
 - The provision of Travel Packs for residents, details to be agreed, prior to occupation.
 - Requirement to enter into a S278 agreement prior to commencement of the development relating the construction of the loading bay, dedication of part of the site as public maintainable highway to replace lost footway, the installation of visitor cycle racks and tree planting on the footway
 - Alteration to Traffic Regulation Order, required for the provision of loading bays and relocation of parking bays, to be authorised for implementation prior to commencement of the development
- 4.103 The above addresses the specific mitigation for the proposed development for matters not addressed within the Regulation 123 Infrastructure List covered by the CIL payment.

- 4.104 The contributions noted above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks committee approval subject to the completion of this agreement.

Community Infrastructure Levy

- 4.105 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 proposed development includes a gross internal area of approximately 2007.49 sqm, which may equate to a CIL charge of approximately £114,701.81 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount. Since part of the development would be for affordable housing the applicant can apply for an exemption for those areas.

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 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 proposal would have an acceptable impact on the character of the adjacent conservation area and the setting of the locally listed Grand Hotel. Highways impacts of the proposal are considered to be acceptable and the scheme includes appropriate planning obligations.
- 5.2 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 (2019): Achieving sustainable development,
- 6.2 Core Strategy (2007) Policies, KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).

- 6.3 Development Management Document (2015) Policies DM1 (Design Quality); DM2 (Low Carbon Development and Efficient Use of Resources); DM3 (Efficient and Effective Use of Land); DM4 (Tall and Large Buildings), DM5 (Historic Environment); DM7 (Dwelling Mix, Size and Type); DM8 (Residential Standards); DM10 (Employment Sectors); DM15 (Sustainable Transport Management).
- 6.4 The Southend Design & Townscape Guide (2009).
- 6.5 CIL Charging Schedule (2015), Regulation 123 List
- 6.6 National Housing Technical Standards (2015)

7.0 Representation Summary

Traffic and Highways

- 7.1 1 car parking space has been provided for each dwelling which is policy compliant. The applicant is using a car parking stacking system which has been used previously within the area. 1 cycle space has also been provided for each dwelling which is policy compliant. Access to the parking area will be taken from Victor Drive which is an existing vehicle crossover.

No commercial parking is provided as part of the proposal however this is no different to other commercial premises within the vicinity. A loading bay is provided at the front of the site which is considered acceptable. This would require the applicant to enter into a section 278 agreement. The applicant will also be required to dedicate part of their land as public maintainable highway. This will ensure that adequate footway is retained.

The TRICS database has been used to demonstrate an overall vehicle reduction in the number of trips associated with the proposed use. Given this information and that contained within the transport assessment the proposal will not have a detrimental impact upon the public highway.

Therefore no highway objections are raised.

Environmental Health

- 7.2 No objections subject to conditions.

Contamination

The Geo- Environmental Assessment (Desk Study & Ground Investigation) Report Ref: P9093J631 of July 8, 2015 on the above site has been reviewed and is acceptable subject to a condition requiring further investigations to be carried out as recommended.

Strategic Housing

- 7.3 The viability position on affordable housing is noted therefore no objections.

Education

- 7.4 This application falls within the catchment areas for Leigh North Street Primary and Belfairs Academy secondary schools. Both schools are full in all year groups. Primary places are available at an alternative primary school within DfE acceptable travel distance. All secondary schools within acceptable travel distance are oversubscribed. An expansion programme is currently underway within all the non-selective secondary schools in Southend and any further developments within the area, even flats, will add to this oversubscription. A contribution towards the Secondary expansion of Chase High School of £18,650 is therefore requested.

Drainage Engineer

- 7.5 According to the Risk of Flooding from Surface Water mapping, available on the gov.uk website, the whole of the site is at very low risk (<0.1% Annual Exceedance Probability (AEP)) of surface water flooding. The site lies within the Chalkwell Critical Drainage Area as defined in the Southend-on-Sea Surface Water Management Plan (SWMP, 2015). The British Geological Survey (BGS) susceptibility to groundwater flooding dataset indicates the site is located in an area with limited susceptibility to groundwater flooding. The site is situated within Flood Zone 1 according to the Environment Agency's Flood Risk from Rivers and Seas mapping. The closest waterbody to the site is Thames Estuary which is approximately 400m to the south of the site.

No objects to this planning application subject to conditions being attached to any consent if this application is approved by the LPA.

[Officer Comment: The requested condition is reflected under condition 17 in the recommendation at the end of this report.]

Essex County Fire and Rescue

- 7.6 Access for Fire Service has been considered in accordance with the Essex Act 1987 – Section 13. Access for Fire Service purposes is considered satisfactory. More details observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Water supplies – The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer Service Headquarters telephone 01376-576344.

Sprinkler Systems - There is clear evidence that the installation from Automatic Water Suppression (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Services therefore urge developers to consider the installation of AWSS even where they are not required under building regulations.

Leigh Town Council

- 7.7 The Leigh Town Council Committee resolved to object as follows: *'this is a complete overdevelopment of the plot and contrary to Policy DM3 in that it will adversely impact upon the amenity of neighbouring residents, will harm the character and appearance of the wider area and will lead to a detrimental change of the street's function. It also does not protect the amenity of the site, immediate neighbours and surrounding area, having regard to privacy overlooking, outlook, noise and disturbance and pollution. In addition it will have a huge impact on the Broadway and the surrounding area. We are aware the application meets the Southend Borough Council parking standards, but we feel that this proposal would cause additional huge amounts of additional parking stress. The deliveries to the ground floor commercial businesses could also cause an issue with blocking the road, as there is no parking available for this.'*

8.0 Public Consultation

- 8.1 A site notice was displayed; a press notice published and 48 neighbours were individually notified. 4 letters of representation have been received from three parties which raise the following concerns:

- Obstruction of neighbouring views
- The design should be sympathetic to Leigh
- It will be necessary to manage the build to avoid disturbance of neighbours from noise, dirt, dust and pollution
- Concern over nuisance arising from possible new A3 uses
- Impact on property values
- There are already too many flats in this location
- Impact on schools and sewer system
- Light pollution
- Increased congestion
- Insufficient parking as most families have more than 1 car
- This is an area of parking stress
- Height is inappropriate
- Too many units
- The proposal will not benefit the community
- Loss of neighbour amenity
- Over development of the site
- Traffic
- The density is too great.

[Officer Comment These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

9.0 Relevant Planning History

- 9.1 17/02146/FUL - Demolish existing buildings, erect four storey building comprising nine self-contained flats with balconies, terraces and commercial (Class A1) at ground floor, associated landscaping, layout parking and install vehicular access onto Victor Drive – refused for the following reason

01 The proposal by reason of the design approach proposed results in a significant under provision in the total number of new dwellings within the development compared with that which could reasonably be achieved on this brownfield site in Leigh Broadway having regard to adopted planning policy. The under provision of dwellings fails to contribute appropriately both to the Borough's housing needs and also creates a contrived ability for the proposal to sit beneath the policy threshold for making a potential contribution towards affordable housing. The proposal therefore constitutes a materially inefficient and ineffective use of the brownfield site. The proposal would therefore not represent sustainable development and is thus contrary to the objectives of the National Planning Policy Framework (2012), Policies KP1, KP2, CP4 and CP8 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 9.2 16/01756/FULM - Demolish existing buildings and erect 20 self-contained flats with balconies and terraces, 445sqm of commercial floorspace, basement parking, public realm enhancements, associated works and install new vehicular access onto Victor Drive to 114-120 Broadway – refused for the following reasons:

01 The submission does not include a formal undertaking to secure an appropriate contribution to affordable housing provision to meet the demand for such housing in the area despite it having been found financially viable for the development proposed to make such a contribution. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO7, and policies KP3 and CP8 of the Core Strategy (2007); and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015).

02 The submission does not include a formal undertaking to secure an appropriate financial contribution to the provision of education facilities in the borough, to mitigate the demand for such facilities generated by the development proposed. The application is therefore unacceptable and contrary to the National Planning Policy Framework; Strategic Objective SO13, and Policies KP2, KP3 and CP6 of the Core Strategy (2007), and the advice contained within Supplementary Planning Document 2 Planning Obligations (2015).

10 Recommendation

- (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:**

- **£18,650 (index-linked) contribution towards secondary education provision payable prior to commencement.**
- **£57,639 towards off site provision of affordable housing**

- The provision of Travel Packs for residents, details to be agreed, prior to occupation.
- Requirement to enter into a S278 agreement prior to commencement of the development relating to the construction of the loading bay, dedication of part of the site as public maintainable highway to replace lost footway, the installation of visitor cycle racks and tree planting in the footway
- Alteration to Traffic Regulation Order, required for the provision of loading bays and relocation of parking bays, to be authorised for implementation prior to commencement of the development

(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: 15223se-01, 15223se-02, 1047.001.01, 1047.200.08, 1047.201.05, 1047.202.06, 1047.203.09, 1047.204.08, 1047.205.04, 1047.206.04, 1047.203.09

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 ground floor slab level shall take place until product details and samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including roofs, walls, cladding, balconies, balustrades, colonnade, windows and doors and shopfronts have been submitted to and approved in writing by the local planning authority. The development shall be carried out and completed 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, DM3 and DM5 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to:-

- i. proposed finished site levels or contours;
- ii. means of enclosure, of the site including any gates or boundary fencing including to the roof top terrace areas;
- iii. other vehicle and pedestrian access and circulation areas;
- iv. hard surfacing materials including for the amenity terraces;
- v. minor artefacts and structures (e.g. furniture, planters, lighting, etc.);
- vi. details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification
- vii. details of measures to enhance biodiversity within the site;

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such 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 shall not be occupied until 17 car parking spaces, of which not less than 1 shall be for disabled users, have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with drawing 1047.200.08, together with properly constructed vehicular access to the adjoining highway, and the reinstatement of existing redundant crossovers in Broadway all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter solely 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).

- 06** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the residential entrance and shopfronts including approach to signage, window surrounds including brick and stone detailing, reveals, and balconies/balustrades and upper floor window reveals and parapet details at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the local planning authority. The development shall be carried out and completed solely in accordance with the approved details before it is brought into use.

Reason: In the interest of the visual amenities and character of the area and adjacent conservation 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).

- 07** The development shall not be occupied until the 17 secure, covered cycle parking spaces to serve the development as shown on drawing 1047.200.08 have been provided at the site and made available for use in full accordance with the approved plans by occupiers of the units hereby approved and their visitors. The approved scheme shall be permanently retained thereafter.

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

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. measures to control the emission of dust and dirt during construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
- vii. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.

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

- 09** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the ground floor slab level

shall take place unless and until a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and agreed in writing by the Local Planning Authority. The renewables shall be implemented in full in accordance with the approved details prior to the first occupation of the dwellings. 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.

- 10 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 10% (2) of the flats hereby approved comply with building regulation M4 (3)(a) 'wheelchair user dwellings' standard and the remaining 15 flats comply with building regulation standards part M4(2) 'accessible and adaptable dwellings upon occupation.

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 (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

- 11 Prior to occupation of the flat hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

- 12 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. 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 (2019), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

- 13** No development shall take place above ground floor slab level until details of the design and specification of the privacy screen to the east terrace and the privacy screens to the southern terrace have been submitted to and approved in writing by the local planning authority. The development shall be carried out solely in accordance with the approved details before it is first occupied and shall be retained as such in perpetuity.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

- 14** Prior to the commencement of development an instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify and remediate the risks identified by the Phase 1 Site Investigation by Geo-Environmental Assessment (Desk Study & Ground Investigation) Report Ref: P9093J631 of July 8, 2015. The submitted phase II report shall include:

- i. Details of all measures to be undertaken to make the site suitable for the intended use, including a timeframe for the works.
- ii. Confirmation that all underground fuel storage tanks will be removed from the site by a suitably qualified contractor and disposed off site. Validation soil samples from areas around the tank(s) must be tested to ensure that they are suitable to be left in-situ and the results provided to the Council.
- iii. Confirmation that all hydrocarbon contaminated soil will be excavated to the appropriate depth and disposed off-site to a facility licensed by the Environment Agency. The waste transfer certificate must be included in the validation report.
- iv. Confirmation that all imported soil for any backfilling operations must be suitable for the intended use and certified to the CLEA or any other relevant standard.

- v. Prior to commencement of development (unless otherwise agreed in writing by the Local Planning Authority), the Validation Report must be

submitted to the Local Planning Authority for approval. The Validation Report must contain details of the remediation measures undertaken to make the site suitable for use including their effectiveness. The report must also contain details of the volume of soil removed from the site (including any waste transfer certificate) and the volume of imported soil to the site (including their chemical contents).

- vi. If during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. Any such works shall then be undertaken and completed solely in accordance with the agreed method statement.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

- 15** All the noise mitigation measures outlined in the Noise Impact Assessment by Cambridge Acoustics dated May 2016 and Addendum to Noise Impact Assessment by Cambridge Acoustics dated January 2019 to protect future residents of the building from the impact of vehicular noise along Broadway and the surrounding area must be implemented in their entirety prior to occupation of any of the residential units hereby approved to achieve an internal noise level which meets BS 8233:2014 criteria. 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).

- 16** Prior to the commencement of the development hereby approved, details of the proposed car stacking system, together with a report detailing any mitigation measures proposed in respect of noise impacts of this system shall be submitted to, and approved in writing by, the Local Planning Authority. The installation of the car stacking system shall be carried out in full accordance with the approved details, including any noise mitigation measures to be undertaken in association with the agreed details, and made available for use prior to first occupation of any of the residential units hereby approved. With reference to BS4142 the noise rating level arising from all plant and car stacking equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

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

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

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

- 18** Prior to commencement of construction of the development hereby approved, in accordance with Flood Risk Statement and Drainage Strategy (Ardent, September 2018, Document Ref: V672-02)), detailed design of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- i. Provide an assessment of suitability for infiltration, accounting for the presence of constraints on infiltration SuDS, drainage potential, and the potential for ground instability or contamination as a result of infiltration. The applicant must include evidence that infiltration testing has been undertaken for the site and that they are compliant with BRE365 guidance.
- ii. Provide evidence demonstrating that surface water runoff retention on site has been maximised for the 1 in 100 year plus climate change storm event to achieve an overall discharge from the site as close as possible to greenfield runoff rate. It should be noted that recent industry reports indicate discharge rates of lower than 5 l/s can be achieved using flow control structures. A robust justification of the proposed drainage arrangement must be provided if a reduced discharge rate is not considered to be feasible.
- iii. Provide MicroDrainage calculations to demonstrate the hydraulic performance of the entire network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year

- event plus 40% climate change event.
- iv. Provide a plan illustrating the conveyance and exceedance flow routes for storm events exceeding the 1 in 100 year event plus 40% climate change.
 - v. Provide an updated drainage layout plan indicating the dimensions, storage volumes, pipe sizes and gradients, manhole cover and invert levels, proposed discharge rates, flow controls and final discharge connection in accordance with the submitted calculations. Engineering plans should be provided for each of the SuDS and critical drainage elements, including the flow control features.
 - vi. Provide information regarding the management of health and safety risks in relation to the feature design.
 - vii. Provide a system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long term economic viability.
 - viii. Provide information on the provision of drainage for large storm events, including protection for SuDS systems.
 - ix. Provide a method statement regarding the management of surface water runoff arising during the construction phase of the project.
 - x. Provide evidence of consent from Anglian Water to discharge at the proposed rate and connection point.
 - xi. Provide a site specific maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policy KP2 and CP4 of the Core Strategy 2007 and area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 19** Construction hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 20** No deliveries or refuse collection shall be taken at or despatched from the A1 or A2 uses hereby permitted outside the hours of 07:00 to 20:00 hours Mondays to Saturdays and 09:00 to 18:00 hours on Sundays nor at any time on Bank or Public Holidays.

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

- 21 The non-residential units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 hours on any day.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 22 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Classes A1 or A2, of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

- 23 The development shall not be occupied until the commercial and residential refuse stores that serve the development as shown on drawing 1047.200.08 have been provided at the site in full accordance with the approved plans and made available for use by occupiers of the residential and commercial units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling thereafter.**

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

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

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

25 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the building hereby approved:

- i. The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any equivalent Order amending, revoking or re-enacting that Order**

Reason: To ensure that the development does not impact adversely on the townscape and character of the adjacent conservation area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

- (c) In the event that the planning obligation referred to in part (a) above has not been completed by 7th April 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, 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 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.

03 The applicant is advised that if a crane or piling rig is required to construct the proposed development, this will need to be safeguarded by the Airport Authority independent of this permission. Please note that this may be restricted in height and may also require full coordination with the Airport Authority dependant on location. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

04 Due to the nature of the site with residential dwellings nearby this site will require a COPA (Control of Pollution Act) 1974 (Sec 61) Agreement with Southend Borough Council before Construction can begin. Please contact the Regulatory Services Group on 01702 215005.

05 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 highways works

06 The works to existing highway will require a Section 278 agreement or Highways Licence.

07 The applicant is advised that separate advertisement consent is likely to be required for any signage for the development. This must be obtained prior to installation of the signage.