

Reference:	19/00552/FULM
Ward:	Prittlewell
Proposal:	Demolish existing building and erect 3 storey block comprising of 12 self-contained flats with associated car parking and amenity space, refuse and cycle stores and vehicular access onto Roots Hall Avenue (Amended Proposal)
Address:	25 Roots Hall Avenue, Southend-on-Sea, Essex, SS2 6HN
Applicant:	Mrs Ayandare
Agent:	RD Architecture Ltd
Consultation Expiry:	09.05.2019
Expiry Date:	02.08.2019
Case Officer:	Charlotte White
Plan Nos:	1594/230/P5, 1594/230/P4, 1594/150/P2, 1594/140/P3, 1594/130/P2, 1594/250/P11, 1594/251/P11, 1594/260/P10, 1594/261/P7
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions



1 Site and Surroundings

- 1.1 The site is located on the northern side of Roots Hall Avenue. The site is occupied by a vacant, two-storey commercial building that is in a poor state of repair.
- 1.2 To the south of the site are terraced dwellinghouses. To the immediate east of the site is a vacant, hardsurfaced area which is in a poor state of repair. The ground slopes down at the rear and backs onto Roots Hall football ground car park. To the west of the site is open storage.
- 1.3 The site is not located within an area with any specific planning allocation on the Development Management Document Proposal's Map. The site is located within the Southend Central Area Action Plan Boundary (SCAAP) and is located within the Victoria Gateway Neighbourhood Policy Area of the SCAAP.
- 1.4 The Prittlewell Conservation Area is located to the east of the site with the nearest boundary of the Conservation Area located some 25m from the eastern boundary of the site.

Background for the site:

- 1.5 Outline planning permission was granted (ref. 07/01180/OUTM) to demolish the existing building and erect a 3 storey block of 18 flats with basement parking spaces, subject to conditions and a S106 Legal Agreement to secure education contributions and affordable housing on 4th December 2012. All matters were reserved, and no reserved matters application was submitted. This application is therefore no longer extant and as such limited weight can be afforded to this permission. It is also noted that since the determination of this outline planning permission there have been material changes in planning policy, including the adoption of the Development Management Document in 2015 and the publication of the 2019 NPPF. More recently planning permission has been refused under reference 18/01337/FULM to construct a block of 15 self-contained flats and a planning application to construct a 4 storey block of 18 self-contained flats, under reference 17/02159/FULM was withdrawn, but was recommended for refusal by Officers.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing vacant building on the site and construct a three storey building incorporating 12 flats. The building has been designed with a crown roof with front, rear and side gables and includes dormers, roof lights and balconies. Eight parking spaces will be provided on the eastern side of the site with a vehicle crossing and access road provided from Roots Hall Avenue. A refuse store is provided at the front of the site and a cycle store in the north-eastern corner of the site.

2.2 The details of the scheme are summarised as follows:

- Units: 2x studio flats, 2x 1-bedroom flats, 6x 2-bedroom flats, 2x 3-bedroom flats.
- Parking: 8 parking spaces.
- Amenity space: a communal rear garden area measuring some 130sqm and 8 of the 12 units will have a private garden area or balcony ranging from some 2.5sqm to some 22sqm.
- Height (max) 3 storey (9.5m)
- Width (max) 17m
- Depth (max) 22.5m

2.3 The floors will include:

- Ground floor- 1x studio flat, 1x 1-bedroom flat, 3x 2-bedroom flats
- First floor- 1x studio flat, 1x 1-bedroom flat, 3x 2-bedroom flats
- Second floor- 2x 3-bed flats.

2.4 Cycle storage will be provided externally in the north-eastern corner of the site for 14 cycles. The plans submitted indicate that there will be an external refuse shelter at the front of the site to include 2x 1100L waste bins, 2x 1100L recycling bins and 1x 360L food waste bin.

2.5 The application has been submitted with a Financial Viability Appraisal, a letter of support, Planning Statement, SuDS/ Surface Water Drainage Statement, Transport Statement and Recycling/Waste Management Strategy.

2.6 Planning permission was recently refused to demolish the existing building and to erect a 3 storey block comprising of 15 self-contained flats with associated car parking and amenity space, refuse and cycle stores and vehicular access onto Roots Hall Avenue under reference 18/01337/FULM for the following reasons:

1. The development proposed fails to provide an appropriate dwelling mix that would reflect the Borough's identified housing needs, resulting in the scheme failing to deliver a sufficiently wide choice of homes. This is unacceptable and contrary to the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM7 of the Development Management Document (2015).
2. The proposal, by reason of its bulk and unrefined design, which lacks quality, finesse and a clear rationale would result in an incongruous and obtrusive development that is unacceptable and would cause material harm to the character and appearance of the site and the surrounding area, including the setting of the adjoining Prittlewell Conservation Area, contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015), Policy PA8 of the Southend Central Area Action Plan (2018) and the advice contained within the Design and Townscape Guide (2009).

3. By reason of the insufficient floorspace of a number of the units proposed, the failure to provide adequate light and outlook to all habitable rooms proposed and the poor quality external amenity space proposed, the development would result in substandard living conditions and a poor quality residential environment for the future occupiers of a number of the proposed units. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
4. The submission does not demonstrate that the proposal would provide a development that is appropriately accessible and adaptable for all members of the community and information has not been submitted to demonstrate that the new dwellings would meet the Building Regulations M4(2) and M4(3) accessibility standards. This is unacceptable and contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM8 of the Development Management Document (2015).
5. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and insufficient evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities necessary to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).

2.7

The main changes proposed as a result of this proposal include:

- A reduction in the number of units proposed from 15 to 12.
- The development has been redesigned externally and internally.
- The dwelling mix has been altered.
- The number of parking spaces has been reduced from 9 to 8.
- The amenity areas proposed have been altered and the rear communal amenity area has been increased in size.
- Cycle parking is now proposed externally.
- The proposed block of flats has a similar height, depth and width to that previously proposed.

2.8

Prior to that planning permission was submitted to demolish the existing building on the site and erect a 4 storey block comprising 18 self-contained flats with associated car parking and amenity space, refuse and cycle stores and vehicular access onto Roots Hall Avenue under reference 17/02159/FULM. This application was recommended for refusal by officers but was withdrawn by the applicant before a decision was made by the Development Control Committee. Although not

determined, the reasons for refusal recommended by officers were:

1. The applicant has failed to demonstrate that the site is no longer effective or viable to accommodate a continued use for employment purposes in the medium and long term. The loss of the existing employment floor spaces is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).
2. The proposal, by reason of its size, scale, bulk, mass and unrefined design, lacking quality and finesse and the excessive extent of permanent hardsurfacing would result in an overly prominent and incongruous development that is unacceptable and would result in material harm to the character and appearance of the site and the surrounding area; including the setting of the adjoining Prittlewell Conservation Area, contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
3. The proposed scheme would fail to provide adequate light and outlook to all habitable rooms, resulting in substandard living conditions and a poor quality residential environment for the future occupiers of a number of ground floor dwellings on the site. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).
4. The application does not include a formal undertaking to secure a contribution to affordable housing provision to meet the demand for such housing in the area and no evidence has been submitted to demonstrate that such a contribution would make the scheme economically unviable. The submission also lacks a formal undertaking to secure a contribution to the delivery of education facilities necessary to meet the need for such infrastructure generated by the development. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework, Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007) and policy DM7 of the Development Management Policies Document (2015).

3 Relevant Planning History

- 3.1 18/01337/FULM - Demolish existing building and erect 3 storey block comprising of 15 self-contained flats with associated car parking and amenity space, refuse and cycle stores and vehicular access onto Roots Hall Avenue (Amended Proposal) – planning permission refused.
- 3.2 17/02159/FULM - Demolish existing building and erect 4 storey block comprising of 18 self-contained flats with associated car parking and amenity space, refuse and cycle stores and vehicular access onto Roots Hall Avenue – application withdrawn.

- 3.3 07/01180/OUTM – Demolish building and erect 3 storey block of 18 flats with basement parking spaces, vehicular access, refuse and cycle stores and amenity area (outline – amended proposal) – permission granted.
- 3.4 06/00312/OUT – Demolish building and erect 3 storey block of 18 flats with basement parking spaces (outline – amended proposal) – application refused
- 3.5 06/00202/FUL – Demolish buildings and erect part two/ part three/ part four storey block of 28 self-contained flats, layout 38 parking spaces, cycle and refuse stores and form vehicular access onto Roots Hall Avenue (25 and site adjoining) – application withdrawn
- 3.6 05/01283/OUT – Demolish building and erect 3 storey block of 18 self-contained flats with basement parking spaces – application refused.

4 Representation Summary

- 4.1 Councillor D Garston has called the application in for consideration by the Development Control Committee.
- 4.2 **Highways Team**
No objections.
- 4.3 **Essex and Suffolk Water**
No objections.
- 4.4 **Anglian Water**
No objections subject to conditions.
- 4.5 **Environmental Health Team**
No objections subject to conditions.
- 4.6 **Essex Police**
Request the developer contacts them to discuss crime prevention through environmental design.
- 4.7 **Education**
A contribution of £12,810.10 is requested towards a project at Chase High School or similar expansion at another local secondary school.

5 Public Consultation

- 5.1 A site notice was displayed, the application was advertised in the press and 35 neighbour letters were sent out. No responses have been received.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (NPPF) (2019)

- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)
- 6.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend on Sea's Historic Environment) Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)
- 6.4 Southend Central Area Action Plan (2018) Southend Central Area Action Plan (2018) Policy PA8
- 6.5 Design & Townscape Guide (2009)
- 6.6 Planning Obligations (2010)
- 6.7 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.8 Community Infrastructure Levy CIL Charging Schedule (2015)

7 Planning Considerations

- 7.1 The main considerations in relation to this application include the principle of the development, design, impact on the street scene and the nearby Conservation Area, residential amenity for future and neighbouring occupiers, traffic and parking implications, sustainability, developer contributions and CIL (Community Infrastructure Levy). The planning history is a material consideration in the determination of this application. The NPPF has been updated since the previous application under reference 18/01337/FULM was refused, however, the national and local planning policy has not materially changed since the previous application was determined.

8 Appraisal

Principle of the Development

Loss of Employment and Principle of Residential Development

- 8.1 Paragraph 121 of the National Planning Policy Framework states '*Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development need. In particular they should support proposals to use retail and employment land for homes in areas of high housing demand, providing this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework...*'

- 8.2 Core strategy Policy KP1 seeks to focus regeneration and growth within the Southend Town Centre and Central Area, providing for 6,500 new jobs and at least 2,000 additional homes.
- 8.3 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 8.4 Policy CP1 of the Core Strategy states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 8.5 Development Management Document Policy DM11 states outside the employment areas, proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that it will no longer be effective or viable to accommodate the continued use of the site for employment purposes or use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use.
- 8.6 Part C of appendix 4 of the Development Management Document sets out the information to be provided as part of an appraisal to demonstrate the site is no longer viable for employment purposes which includes an analysis of the site identifying the advantages and limitations of the site to accommodate employment uses; for each limitation identified, justification should be provided as to why it cannot be overcome having regard to the introduction of alternative employment uses, general investment or improvements or through competitive rental levels. Marketing and market demand information may be used to support the appraisal. Comparisons with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises.
- 8.7 The application has been submitted with a supporting statement which considers the principle of the development.
- 8.8 The supporting statement submitted comments *'it is not known when the property was last occupied for employment purposes, manufacturing or storage. However, an external visual inspection shows it to be in poor condition, with little surrounding scope for lorry manoeuvring and on-site parking. It has quite clearly reached the end of its useful life and would need to be demolished and re-built if the use is to be retained.'* It is also stated that *'Car parking for staff would also be very tight. Indeed, surrounding streets have parking restrictions and thus any staff would have to park at a distance or use public transport.'*
- 8.9 Reference is made to the planning history of the site, commenting that application reference 05/01283/OUT was not refused based on the loss of employment

floorspace and reference 07/01180/OUTM was granted planning permission for residential purposes.

The submitted planning statement refers to the fact that the site has been vacant for a number of years.

- 8.10 The supporting statement submitted states that *'The small terrace houses in Roots Hall Avenue are at the lower end of the market and any opportunity to resuscitate the employment use will only harm the local environment due to the close proximity of the subject property and these houses. Re-developing the site for residential is the best use as it is an isolated employment use with probably consequential impact on the environment. Residential use will, therefore, support regeneration of the area.'*
- 8.11 In relation to Policy DM11 the supporting statement submitted states that the site is no longer effective or viable to accommodate the use for employment purposes due to heavy goods vehicles using the residential approach road and failing to have sufficient space on site to manoeuvre. The supporting statement concludes that the commercial use of the property is no longer relevant due to the building being in a poor condition, the yard is too small, the close proximity of the site to residential properties and a lack of parking for staff and refers to the fact that planning permission was previously given for residential development on the site.
- 8.12 As such, some limited justification for the loss of employment purposes on the site has been submitted with this application. Outline planning permission was previously granted to redevelop the site for residential purposes, but this was when planning policy was materially different and therefore holds limited weight. This outline permission is no longer extant. On balance, given the information submitted, the fact that the site has been vacant for a significant length of time and the constraints of the site including the adjoining residential dwellings which could be materially adversely impacted as a result of the re-use of the site for employment purposes, it is considered that sufficient justification for the loss of the employment use has been submitted in this instance. The development is therefore acceptable and policy compliant in this respect. It is also noted that no objection was raised on this basis previously under reference 18/01337/FULM.

Dwelling Mix

- 8.13 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seeks to promote a mix of dwelling types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below.

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	33% (1 bed and studios)	50%	17%	0%

- 8.14 Unlike the previous refused application, this proposal now includes the provision of 2x 3-bedroom dwellings. Whilst the development does not exactly replicate the requirements of Policy DM7, it would provide a good mix of dwellings and includes larger family units, as such, it is considered that the development is acceptable and policy compliant in this regard. The revised application has overcome the previous concerns raised in this respect under reference 18/01337/FULM.

Design and Impact on the Character of the Area and the impact on designated heritage assets

- 8.15 S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 8.16 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework and Core Strategy Policies KP2, CP4 and CP8.
- 8.17 Paragraph 124 of the NPPF states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect to sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 8.18 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 8.19 Policy DM3 states that *"The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification."* Policy DM1 states that development should *"Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features"*.
- 8.20 Paragraph 193 of the NPPF states *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 8.21 Paragraphs 195 and 196 of the NPPF states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be*

demonstrated that the substantial harm or total loss if necessary to achieve substantial public benefits that outweigh that harm or loss...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

- 8.22 Policy DM5 states *"Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation area, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this."*
- 8.23 The existing building on the site is in a poor state of repair and its redevelopment has the potential to benefit the streetscene. Whilst located in a cul-de-sac, given its positioning the site is visible from West Street.
- 8.24 In terms of height and scale, the proposed building has been reduced in height and size compared to the previous withdrawn scheme under reference 17/02159/FULM. The proposed building would exceed the height of the existing building by some 1.4m and has a similar overall height and scale to that previously proposed under reference 18/01337/FULM, in which no objection was raised to the height and scale of the proposal. The width of the proposed development would be less than the existing building on the site. As such the overall size, scale and height of the development is considered acceptable and would not appear unusual or out of keeping in the area. The bulk of the development has been reduced through design features such as varied roof heights and gable projections, as discussed below. As such the overall, size, scale and mass of the development is considered acceptable and would not result in material harm to the character and appearance of the area, especially taken into account the size, scale and monolithic form of the existing building on the site.
- 8.25 Previously, under reference 18/01337/FULM concern was raised about the 'boxy' appearance of the form and the lack articulation. The current proposal includes greater articulation and breaks up the form of the development with variations in ridge heights and gable projections. The revised scheme is therefore considered to have overcome these previous concerns raised. Whilst this scheme includes a crown roof, on balance, given the design proposed, it is considered, on balance, that this would not be overly prominent or detrimental to the character and appearance of the site or the wider surrounding area. Unlike the previous proposal, the fenestration proposed is consistent and of good proportions. The windows align vertically and horizontally which is a positive design feature. Unlike the previous application, the four elevations have a cohesive appearance and the materials proposed are considered appropriate and would be in-keeping with the character and appearance of the area. The proposed scheme is legible with a prominent front door on the principal elevation of the building.
- 8.26 The proposed building has an appropriate siting, with a similar building line to the existing building on the site. The siting of the building would enable the frontage to benefit from some soft landscaping which is positive.

The parking area to the east of the site is retained but will be partially screened by landscaping at the front of the site and the parking spaces will be constructed of grasscrete, providing a softer appearance to this part of the site. As such the siting and landscaping of the development is considered acceptable, subject to a condition requiring full hard and soft landscaping details.

- 8.27 It is proposed to provide an external refuse store at the front of the site, in a prominent location. Limited details of this have been submitted. Whilst the plans suggest that the refuse store would be screened by landscaping, given the limited information submitted in this respect, concern is raised about the prominent location of the refuse store. However, it is considered that there is sufficient space within the wider site to provide a repositioned refuse store. Subject to a condition in this respect, no objection is therefore raised in this respect.
- 8.28 The Prittlewell Conservation Area is located to the east of the site, starting at the end of Roots Hall Avenue and adjoining the open site to the immediate east of the site. Given the separation provided between the site and the Conservation Area, the nature of the existing building on the site and the acceptable size, scale, mass, form and design of the proposed development, it is considered that the development would preserve the character, appearance and setting of the nearby Conservation Area.
- 8.29 As such it is considered that the development is of an acceptable overall scale, height, mass and form and includes acceptable and appropriate design detailing that would not be out of keeping with the surrounding area. The development would result in an improved character and appearance compared to the existing building on the site.
- 8.30 Whilst the Council's Archaeology Officer has not provided any comments in relation to this application, the Archaeology Officer previously requested an archaeological watching brief/desk based assessment condition is attached to any grant of consent of the previous, similar application to redevelop this site under reference 18/01337/FULM. Given the location of the site which is in close proximity to Roots Hall which has had regular find spots, and given the previous comments received, such a condition is considered necessary and reasonable in this respect.
- 8.31 Subject to conditions, the development is considered to be of an acceptable overall design that would not harm the character and appearance of the site, the wider surrounding area and would preserve the character and appearance of the nearby Conservation Area. The development is therefore acceptable and policy compliant in this respect and no objection is raised on this basis.

Standard of Accommodation

- 8.32 Paragraph 127 of the NPPF states *'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...'* It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:

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

8.33 The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

8.34 All of the proposed flats exceed the minimum sizes required by the technical space standards and all of the bedrooms accord with the minimum sizes required. The development is acceptable and policy compliant and has overcome the previous concerns raised in this respect.

8.35 In terms of light, ventilation and outlook, all habitable rooms will be provided with

windows and rooflights. Some of the habitable rooms on the top floor would only be served by roof lights which would provide limited outlook which is not ideal but, on balance, would, in this instance, not result in a degree of harm to living conditions that would justify a reason for refusal on this basis. The ground floor rear flats have windows directly adjacent to the rear communal area which could cause overlooking and loss of privacy, however, the plans submitted indicate that these windows would be obscure glazed. Given that these rooms are also served by side windows, subject to a condition in this respect, no objection is raised on this basis.

8.36

Unlike the previous proposal under reference 18/01337/FULM the depths of the rooms have been significantly reduced which is positive in ensuring sufficient light is provided for future occupiers of the development. A number of the flats include kitchens with no windows to provide light and outlook which is not a positive aspect of the proposal. Given the size and nature of these kitchens which are likely to be used for cooking purposes only, rather than sitting areas as well, on balance this is not considered to result in substandard living conditions for future occupiers. The proposed units facing the parking area would be located some 1.8m away from the parking area with intervening soft landscaping providing an acceptable outlook and buffer for these units.

8.37

No contaminated land report has been submitted with the application. Given the previous use of the site, it is possible that the site could suffer from contamination. However, a condition can be imposed on any grant of consent in this respect.

8.38

In terms of amenity space provisions, only 4 of the 12 units will not be provided with any private amenity space. The following private amenity spaces are proposed:

Flat 1: 22sqm private garden area

Flat 2: N/A

Flat 3: 13sqm private garden area

Flat 4: 21sqm private garden area

Flat 5: N/A

Flat 6: 2.5sqm balcony

Flat 7: N/A

Flat 8: 2.5sqm balcony

Flat 9: 5sqm 2.5sqm balcony

Flat 10: N/A

Flat 11: 5sqm terrace

Flat 12: 5sqm terrace

8.39

The development would also be provided with a communal rear garden area measuring some 130sqm. This space is largely located to the north of the site and is not particularly deep, limiting its usability, however, on balance and given the private amenity areas provided for the majority of the units, it is considered that the development would provide adequate amenity areas for adjoining residents within the development in this respect. The revised scheme has therefore overcome the previous concerns raised in this respect.

8.40

Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application.

Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible.

- 8.41 The applicant's agent has confirmed that 10% of the development will comply with the building regulations M4(3) standards and the remainder of the building will comply with the building regulations M4(2) standards. Subject to a condition in this respect, the development is acceptable and policy compliant in this respect.
- 8.42 With regard to refuse and cycle storage, the submitted plans and information indicate that 14 cycle spaces will be provided and an outside refuse store area will be provided. The parking standards require a minimum of 1 cycle parking space per unit and requires cycle parking to be covered and secure. The cycle parking proposed is therefore acceptable. With regard to refuse, a recycling/waste management strategy has been submitted. The information provided in this document is limited. Subject to a condition requiring full details of the refuse and recycling storage no objection is raised on this basis. As outlined above, concern is raised about the location of the refuse store at the front of the site which could appear prominent and incongruous in the area. It is considered that there is sufficient space within the site to relocate the refuse store to a more appropriate location. Subject to a condition in this respect, no objection is raised on this basis.
- 8.43 The site is located in close proximity to the football ground. As such, the proposed premises may be subject to noise and disturbance from this existing noise source. No noise impact assessment has been submitted with the application in this regard. However, this issue could potentially be dealt with through conditions if the scheme were considered acceptable overall.
- 8.44 Subject to conditions, it is therefore considered that the development would provide adequate living conditions for the future occupiers and as such the development is acceptable and policy compliant in this respect.

Traffic and Transport Issues

- 8.45 Policy DM15 of the Development Management Document seeks a minimum of 1 car parking space per flat. This would equate to a minimum requirement of 12 spaces. The proposed development will provide 8 parking spaces for the 2 and 3 bedrooms units with the 1 bed units having no on-site car parking provisions. The site is therefore deficient of 4 parking spaces. However, the site is located in a highly sustainable location, well served by bus routes and within reasonable walking distance of Prittlewell Railway Station. Sufficient cycle parking is also provided. The Highway Team has also raised no objection to the parking provisions proposed. Subject to a condition requiring a parking management scheme to ensure the parking spaces are allocated to the larger units, the parking provisions are considered acceptable in this instance, on balance, and the development would have no unacceptable impact upon highway safety.
- 8.46 A transport statement has been submitted with the application which demonstrates that in the specific circumstances of this case, the development would not have a detrimental impact upon the highway when compared to the existing use. No objection is therefore raised on this basis.
- 8.47 The development is acceptable and policy compliant in the above regards on

balance.

Impact on Residential Amenity

- 8.48 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 8.49 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):
- 8.50 *"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;"*
- 8.51 Paragraph 127 of the NPPF states *'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...'*
- 8.52 The front windows proposed overlook the public highway which is already open to public gaze and the windows would be located a minimum of some 12.9m from the adjoining dwellings opposite the site in Roots Hall Avenue. As such it is considered that the proposal would not result in any material overlooking or loss privacy to its front elevation. The side windows overlook commercial areas and the rear overlooks the car park to the football stadium. The football stadium may be developed in the future, and this development should not prejudice any future development of the larger site, but it is considered that the adjoining site is sufficiently large for designers of any future development proposals there to resolve that issue at that time. Given that the site is currently a car park, the proposal would have no material impact upon the residential amenity of adjoining residents in terms of overlooking or loss of privacy and no objection is therefore raised on this basis.
- 8.53 The development is sufficiently removed from the dwellings to the south and adjoins commercial uses to the sides and rear. As such it is considered that the proposal would not result in any direct dominance or overbearing impact, undue sense of enclosure, overshadowing or loss of light and outlook in this respect.
- 8.54 In terms of noise and disturbance, the residential use proposed would not result in any material noise and disturbance to the adjoining residents.
- 8.55 As such it is considered that the development would not result in any material harm to the residential amenity of the adjoining residents. It is therefore acceptable and policy compliant in this regard.

Sustainability

- 8.56 Policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”* and that *“at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design.
- 8.57 The submitted plans indicate that PV panels will be provided on the roof of the development and the planning support statement submitted with the application states that the current scheme will have PV panels for the flat roof as per the plans to achieve the 10% renewable energy efficiency requirements. No details have been submitted to demonstrate compliance with the above policy; however, this requirement could be secured via a planning condition, if the proposal were otherwise deemed acceptable. Subject to such a condition, no objection is therefore raised on this basis.
- 8.58 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. The planning support statement submitted indicates that the development will be designed to comply with this requirement. Whilst full details have not been submitted for consideration at this time, this could be dealt with by conditions if the application is otherwise deemed acceptable.
- 8.59 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.
- 8.60 Whilst a SUDS/ surface water drainage statement has been submitted, it includes very limited information and a condition would need to be imposed on any grant of consent in this respect. Subject to a condition no objection is raised on this basis.

Community Infrastructure Levy

- 8.61 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 some 964sqm, which may equate to a CIL charge of approximately £23,580.92 (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.

Planning Obligations

8.62 The Core Strategy Policy KP3 requires that:

“In order to help the delivery of the Plan’s provisions the Borough Council will: Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.”

8.63 In this instance, affordable housing and a contribution towards secondary education are of relevance. For information, primary education is covered by the Community Infrastructure Levy, as set out in the Council’s Infrastructure Delivery Plan and CIL Regulation 123 Infrastructure List, but the impact on secondary education is currently addressed through planning obligations (subject to complying with statutory tests and the pooling restriction).

8.64 Paragraph 64 of the NPPF states ‘Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.’

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

8.66 This development would be required to provide a financial contribution of £12,810.10 for secondary education. The site is located within the catchment of Chase High School which is oversubscribed and further development in the area will add to this oversubscription. The Education Team have confirmed that the local secondary schools are all part of a secondary expansion plan and as such request a contribution of £12,810.10 towards a project at Chase High School or similar expansion of another local secondary school.

8.67 Policy CP8 of the Core Strategy requires all development proposals of 10-49 dwellings to provide not less than 20% of the total number of units on site as affordable units. This proposal would therefore be required to provide 3 on site housing units (rounded up), subject to any vacant building credit.

8.68 In this respect, the application has been submitted with a viability assessment which concludes that the scheme cannot viably provide any on, or off site contributions towards affordable housing. The Council has had the viability assessment independently reviewed and this independent review similarly concludes that the scheme cannot support any affordable housing contribution as the difference between the residual land value and the benchmark land value is negative making the scheme unviable. The independent review of the viability assessment concludes that the benchmark site value is some £0.45m with the proposed scheme resulting in a residual land value of £0.39m resulting in the scheme generating a deficit of some 0.06m. Consequently the scheme cannot support any affordable housing.

- 8.69 In some instances, where it has been clearly identified that a site cannot support any affordable housing contributions, officers will recommend a review mechanism. However, in this case, as the Council does not have a specific planning policy requiring a review mechanism and taking into account the findings of recent appeal decisions, including at 10 Fairfax Drive (reference 17/01115/FULM) and given the scale of the development which would not require phased development or a protracted length of time to complete the development, such a review mechanism is not considered reasonable or appropriate in this instance.
- 8.70 As such, and subject to the following S106 requirements, the development is considered acceptable and policy requirement as it would provide an appropriate contribution towards secondary education to meet the needs of the development:
- A contribution of £12,810.10 towards a project at Chase High School, or similar expansion of another local secondary school.
- 8.71 The above Section 106 contribution is considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contributions set out above the development could not be considered acceptable. Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. Recommendation to this effect is included within Section 10 of this report.
- 8.72 Subject to completion of the S106 agreement, the development is acceptable and policy compliant in the above regards.

9 Conclusion

- 9.1 Having taken all material planning considerations into account, it is found that the proposed development would, on balance, constitute sustainable development and is in accordance with the development plan and is therefore recommended for approval, subject to prior completion of a S106 Legal Agreement and imposition of planning conditions. There is no objection to the principle of the development. The development is of an acceptable design that would not harm the character and appearance of the surrounding area and would preserve the character and appearance of the nearby Prittlewell Conservation Area. The development would provide adequate living conditions for any future occupiers of the site, would not adversely impact the residential amenity of existing nearby residents, would not result in any material harm to highway safety and would provide an appropriate contribution towards secondary education. The proposal has overcome the previous concerns raised under reference 18/01337/FULM and is therefore recommended for approval on this basis.

10 Recommendation

Members are recommended to:

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

- A financial contribution towards secondary education provision of £12,810.10 (index linked) towards a project at Chase High School, or similar expansion of another local secondary school.**

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

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

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

- 02 The development shall be carried out in accordance with the approved plans: 1594/230/P5, 1594/230/P4, 1594/150/P2, 1594/140/P3, 1594/130/P2, 1594/250/P11, 1594/251/P11, 1594/260/P10, 1594/261/P7.**

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 the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed development including facing materials, roof detail, windows, doors, fascia, balconies, and balustrades have been submitted to and approved in writing by the local planning authority. The works must then be carried out and completed in full accordance with the approved materials, details and specifications before the dwellings hereby approved are first occupied.**

Reason: To safeguard character and appearance of the 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).

- 04 Notwithstanding the details shown on the plans hereby approved no development shall take place, other than demolition ground and site preparation works, until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces and all means of enclosing the site.**

All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of any of the residential units within the development. Any 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. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to first occupation of any part of the development hereby approved.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping pursuant to 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 first occupied until 8 on site car parking spaces have been provided and made available for use in full accordance with drawing 1594/250/P11. The parking spaces shall be permanently maintained 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 DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 06 Before the development is first occupied, the development hereby approved shall be carried out in a manner to ensure that a minimum of 2 of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 10 flats comply with the building regulation part M4(2) 'accessible and adaptable dwellings' standard.**

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

- 07 Prior to the first occupation of the development hereby approved a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of any part of the development.**

This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

- 08 Prior to first occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.**

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 Councils Design and Townscape Guide (2009).

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

Reason: In order to protect the amenities of 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).

- 10 Notwithstanding the details shown on the submitted plans, and otherwise hereby approved, prior to the first occupation of the dwellings hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the amended location and details of the refuse and recycling stores. The approved refuse and recycling facilities shall be provided in full and made available for use by the occupants of the dwellings prior to the first occupation of the dwellings hereby approved and be retained as such in perpetuity.**

Reason: To ensure that the development is provided with satisfactory refuse and recycling storage 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).

- 11 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be commenced other than for demolition works unless and until a drainage strategy, surface water management strategy, and SuDS design statement has been submitted to and approved in writing by the local planning authority.**

The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14.

- 12 Notwithstanding the information submitted with the application, no development shall be undertaken other than demolition works, unless and until a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before the development is brought into first use.**

Reason: To allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

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

Reason: In the interests of the residential amenity and the living conditions of the future occupiers of the development and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall be undertaken unless and until a noise assessment and full details of the acoustic mitigation to be provided within the development, including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be completed in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.**

Reason: To safeguard the residential amenity of the future occupiers in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 15 Other than for demolition and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.**

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

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

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

- 16 The development shall not be first occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing 1594/250/P11 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.**

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 17 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition before the dwellings hereby approved are first occupied and maintained in perpetuity.**

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

- 18 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- (c) In the event that the planning obligation referred to in part (a) above has not been completed by 2nd August 2019 or an extension of this time as may be agreed, the Director of Planning and Transport or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007).**

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

Informatives

- 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 the 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** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 04** Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 05** A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 06** No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

- 07 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.**
- 08 It should be noted that future occupiers of the development will not be eligible for a town centre or resident parking permits.**