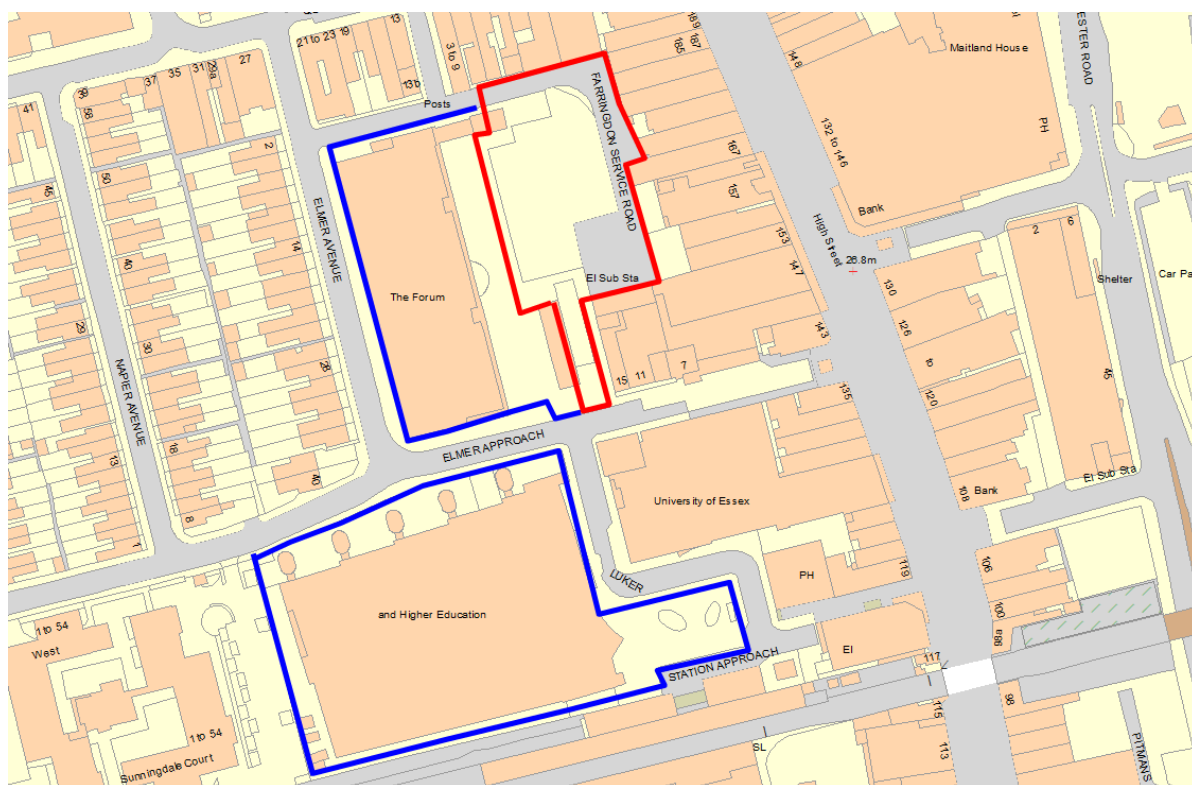


Reference:	19/01195/BC3M
Application Type:	Major
Ward:	Milton
Proposal:	Erect a 4 storey building with basement level for use as an educational building and associated uses, comprising of additional space for the Focal Point Gallery, teaching kitchen, performing arts and music practice facilities, workspace incubator hub, associated offices and storage within (Use Class D1), public cafe/restaurant (Use Class A3), alter existing service head arrangements and layout landscaping
Address:	Land Adjacent To The Forum, Elmer Approach, Southend-On-Sea
Applicant:	Mr Mark Murphy
Agent:	Mr Joerg Poeschus of ADP
Consultation Expiry:	25th July 2019
Expiry Date:	14 th October 2019
Case Officer:	Janine Rowley
Plan Nos:	<p>Basement Level Drainage Layout 9202 Revision P01</p> <p>Ground Level Drainage Layout 9201 Revision P05</p> <p>Engineering Details 9161 Revision P01</p> <p>Existing site plan ADP-XX-00-DR-A-0901 Revision S2 P 2</p> <p>Waste Management ADP-00-XX-DR-A-0920 Revision S2 P1</p> <p>Strategy Diagram Highways ADP-00-XX-DR-A-0924</p> <p>Proposed Ground Floor ADP-00-00-DR-A-1001 Revision S2P3</p> <p>Proposed Second Floor ADP-XX-02-DR-A-1003 Revision S2P3</p> <p>Proposed Roof Level ADP-00-R1-DR-A-1005 Revision S2P4</p> <p>Massing View 2 ADP-00-XX-DR-A-1091 Revision S2P2</p> <p>Existing Elevations East and North ADP-XX-ZZ-DR-A-1206 Revision S2P2</p> <p>Proposed East and North Elevations ADP-XX-ZZ-DR-A-1208 Revision S2P3</p> <p>Proposed South Elevation ADP-XX-ZZ-DR-A-1211 Revision S2P2</p> <p>Proposed North Elevation ADP-XX-ZZ-DR-A-1213 Revision S2P2</p> <p>Proposed Section ADP-XX-ZZ-DR-A-1230 Revision S2P2</p> <p>Site Sections ADP-XX-ZZ-DR-A-1303 Revision S2P2</p> <p>Site Section E ADP-XX-ZZ-DR-A-1304</p> <p>Site Sections Existing and Proposed ADP-XX-ZZ-DR-A-1302 Revision S2P2</p> <p>West Elevation Portion ADP-00-XX-DR-A-1215 S2P2</p> <p>East Elevation ADP-XX-ZZ-DR-A-1212 Revision S2P2</p>



1 Site and Surroundings

- 1.1 Elmer Square currently is the site for the Forum I building and public square which were granted planning permission in 2011 (11/00790/BC3M). The site is bounded by the University of Essex and South Essex College to the south, the High Street to the east, Queens Road (secondary retail area) and residential properties to the north, and Elmer Avenue (residential properties) to the west of the Forum 1 building.
- 1.2 The surrounding area is generally characterised by two, three and four storey buildings but also includes high rise buildings in the form of Mariners House to the east of the site, which has been converted into residential use, and 9 Elmer Approach to the south of the site, which is currently undergoing conversion and has an extant outline planning permission for a 108 room hotel granted under reference 18/00341/OUTM.
- 1.3 The site is located within the Southend Central Area Action Plan (SCAAP) Policy Area PA3 and is designated an Opportunity Site (PA3.1) for development (Elmer Square Phase 2).
- 1.4 The site is not located within a conservation area or subject to any other site specific planning policies.

2 The Proposal

- 2.1 Planning permission is sought to erect a four storey building with basement level for use as an educational building. The building is flat roofed in design, with a feature overhang to the top floor supported by columns. The proposed building is 50m wide, 24m deep and 20.9m high.
- 2.2 The development is a joint venture between the Council and South Essex College. The new building will house additional gallery space and accommodation for the Focal Point Gallery, currently located in the Forum building, together with a small digital workspace incubator hub and office accommodation. The development would provide new state of the art performing arts and music practice facilities together with a new public café, restaurant and a new skills kitchen for students.
- 2.3 The proposed materials for the development include white render with dark grey capping and inset windows, curtain walling with a combination of clear and translucent glazing and powder coated/anodised aluminium panels, metal rain screen cladding in mainly blue and grey, but with vibrant colours to the service area, to provide an active frontage at this part of the building.

2.4 Different uses run by both Southend Borough Council (SBC) and South Essex College (SEC) will occupy the building including:

- Basement: teaching kitchen, music recording and practice rooms.
- Ground floor: exhibition space, public and teaching restaurant and kitchen.
- First floor: teaching areas, digital artist workshop, project space studios, office and meeting rooms.
- Second floor: Performance studios and general teaching areas.
- Third floor: Two performance studios.

2.5 The applicant states that *“together these facilities will further establish Elmer Square as the centre of Southend further and higher education offer, with the library, providing a modern integrated centre of learning and research that meets the varied needs and requirement of residents, students, business people and visitors alike. Users benefit from a cluster of learning, research and cultural facilities located within the heart of the town centre served by excellent public transport links”*

2.6 The applicant also states that the development *“allows the College to consolidate fragmented provision in leased or hired accommodation, provide leading edge accommodation grow student numbers in Design, Media and Performance and the ease overcrowding/utilisation within the existing Luker Road site.”*

2.7 The supporting information accompanying this application states the maximum occupancy of the building is 945 people: comprising 75 staff, 442 students, 372 visitors and 56 artists.

2.8 The building will be managed 24 hours a day 7 days a week, with CCTV linked back to the central town CCTV system. There will be a staffed reception from 09:00 to 18:00 and security in the office.

2.9 43 existing immature trees within the application site are proposed to be removed and a number of these (birches) would be replanted to the east of the existing bicycle shelters. 6 semi-mature trees within planters, together with additional under planting, would be installed to the front of the proposed building as detailed on the submitted landscaping plan. Additional planting is also proposed to be carried within the vicinity of the site.

2.10 The college areas generally operate between 08:00-21:30 Monday to Thursday and 08:00-18:00 on Friday. This applies to all teaching and administration/ancillary spaces. The council managed areas will vary in opening times, opening all 7 days of the week. The exhibition space on the ground floor will be open from 10:00 to 22:00. The office and the studio spaces on the first floor will have 24 hour access.

The project room, digital artist workspace, photography and editing suites will be open between 08:00 and 22:00.

2.11 The applicant has submitted the following documentation support of the application: Design and Access Statement, Transport Statement, Contamination Statement, Daylight and Sunlight Report, Construction Management, Noise Control Strategy, Landscape Strategy, Material Precedent Images, Sustainability Report, Drainage

Strategy, Flood Risk Assessment and Ecological Appraisal.

3 Relevant Planning History

- 3.1 11/00790/BC3M– Erect part 3/ part 4 storey building, incorporating LED display screen, to use as library and for education purposes (Sui Generis) lay out landscaping and amenity area– Planning Permission Granted.

4 Representation Summary

4.1 Public Consultation

105 neighbouring properties were consulted and site and press notices posted. Letters of representation have been received from 10 persons at 8 separate addresses.

Neighbour amenity

- No prior consultation from the Council with residents
- Architects not assessed each individual residents accommodation
- Loss of sunlight and daylight
- Light survey states the development would be an extremely poor neighbour and reduce residents natural and ancient light
- Rights of light
- Sense of enclosure
- Overscaled and overbearing
- Residential health affected
- Noise impacts unacceptable
- Odour emissions and noise and fumes from delivery vehicles
- Odour and noise emissions from plant
- Impact on privacy
- Avison Young submitted report breaches the daylight distribution
- Avison Young submitted report does not present results for the Annual Probable Sunlight Hours
- Avison Young Report should instruct a surveyor to re-run BRE daylight and sunlight tests.

Character and appearance

- Height and scale of the development not acceptable
- Cramming development
- Design will quickly look dated
- Development does not enhance existing area
- Loss of green space
- Loss of trees
- Design unacceptable
- A biodiverse roof would assist with SuDs

Requested conditions

- Roof should be conditioned not to be a terrace area
- Noise levels
- Kitchen extract routed away from residents
- Maintenance of extract equipment
- Delivery and servicing strategy
- Construction management strategy

Other

- Sustainable Urban Drainage Systems not taken into account
- Impact on sewage system
- Impact on infrastructure
- Potential for flooding of nearby basement
- Poor refuse storage
- Delivery access affect existing properties
- Increased crime
- Increased rough sleeping
- Alternative uses would be preferable
- Submitted plans are not accurate
- Consultation not carried out properly

Officer comment: The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. A number of the points raised are addressed in more detail in subsequent sections of this report.

4.2 **Highways**

The application has provided information relating to the sustainable location of the site with associated public transport links detailing additional trips anticipated on bus, rail and cycle networks.

A number of town centre parking spaces are located around the vicinity of the site, it should be noted the members of staff or students will not be eligible for town centre parking permits due to the absence of parking associated with the development. Secure cycle parking spaces are provided and a travel plan will be secured through condition.

It is considered that the proposal will not have a detrimental impact upon the public highway or highway safety.

A construction management plan should also be conditioned.

No highway objections are raised.

4.3 **Environmental Health**

Summary - No objection on waste, lighting, noise or air quality grounds.

The Daylight/Sunlight report has been reviewed, during the course of the application additional information was requested to address impact on nearby residents this has now been provided. This is an acceptable and robust assessment of the scheme.

Conditions requested as follows:

- Hours of use restricted to 08:00 – 22:00 hrs daily.
- Delivery hours restricted to 08:00 – 21:00hrs daily.
- Construction Management Plan.

- Drainage Systems to meet DEFRA Guidance and SUDs Requirements.
- Plant noise shall be designed to meet L90 -10dB(A)

4.4 Education

This development will enhance the educational and community facilities offered by the University of Essex and South Essex College and as such is supported by the education department.

4.5 Fire Brigade

Access for fire service vehicles is considered satisfactory.

4.6 Essex Police

No objection.

4.7 Natural England

No objection.

4.8 Lead Local Flood Authority (LLFA)

No objection subject to a condition relating to the following:

- SuDs strategy to be submitted and agreed incorporating the matters relating to:
 - infiltration testing;
 - updated drainage layout plan;
 - surface water management during construction;
 - consent from Anglian Water to discharge at the proposed rate and connection;
 - details on the accessibility of the SuDS for future maintenance.

4.9 Essex and Suffolk Water

No objections.

4.10 Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site and a number of informatives are recommended.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure) and CP7 (Sport, Recreation and Green Space).

5.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4: (Tall and Large Buildings); DM5 (Historic Environment); DM10 (Employment Sectors), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

5.4 Southend Central Area Action Plan (2018): Policies DS3: (Landmarks and Landmark Buildings); DS4 (Flood Risk Management and Sustainable Drainage); DS5 (Transport, Access and Public Realm); PA3 (Elmer Square Policy Area Development Principles), Opportunity Site (PA3.1): Elmer Square Phase 2.

5.5 Elmer Square Development Brief (2009)

5.6 Design & Townscape Guide (2009)

5.7 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application include the principle of development for an education building in this location, design and impact on the character and appearance of the area, impacts on the residential amenity of neighbouring occupiers, traffic and transportation, sustainability, contamination, ecology, flooding and drainage and CIL (Community Infrastructure Levy) requirements.

7 Appraisal

Principle of Development

7.1 The application site constitutes brownfield land. The NPPF at para 117 states that *“Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”*

Section 8 of the NPPF (Promoting healthy and sage communities) states at para 92:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

7.2 Policy KP1 of the Core Strategy states that the Primary Focus for regeneration and growth within Southend will be *“to regenerate the existing town centre, as fully competitive regional centre, led by the development of the University Campus”*

- 7.3 Policy CP1 goes on to state that: *“To promote economic regeneration, development will be expected to: enhance the town’s role as a cultural and intellectual hub, a higher education centre of excellence, visitor destination and cultural centre”*. This approach is restated in Policy CP2 of the Core Strategy.
- 7.4 Policy CP6 of the Core Strategy supports *‘improvement to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.’*
- 7.5 Elmer Square is on the edge of the Town Centre in an area of transition between the High Street to the east and the residential areas to the west. The area contains a state of the art library ‘The Forum’ and learning facilities, and is complemented by the adjacent Higher and Further Education campuses. The area was formerly occupied by a 4/6 storey multi storey car park backing onto properties within the High Street, and was first identified for redevelopment as part of wider regeneration and growth plans for the town centre, within the Elmer Square Development Brief, which was adopted by the Council in 2009. This document envisaged that the whole former car park site would come forward for redevelopment in phases and would extend up to 8 storeys in height in Phase 2 of the development, where it was sited adjacent to the High Street buildings.
- 7.6 This allocation was carried forward into the SCAAP and was first identified on the SCAAP proposals Map within the Proposed Submission Document in 2011. The adopted SCAAP (2018) identifies the Elmer Square Policy Area development principles within Policy PA3 as (amongst other things):

“The Council, through its role in determining planning applications and other initiatives, will: promote educational and supporting uses that deliver the aims of the Policy Area”

Policy PA3 goes on to identify the application site as *Opportunity site PA3.1 Elmer Square Phase 2*. The policy states:

“i) Within Opportunity Site (PA3.1): Elmer Square Phase 2, planning permission will be granted for educational and supporting uses, such as commercial studios and workspace and cafes/ restaurants to complement Phase 1 and to further reinforce Elmer Square as the heart of the learning hub.

ii. Opportunities to improve the visual appearance of the rear of buildings on the High Street that front onto the public space, and associated public realm enhancements including surfacing, lighting, landscaping and the continued provision of high quality outside public space to complement Phase 1 will also be promoted within Opportunity Site PA3.1. Efforts to further connect this area and create new vistas with the high street area will be encouraged.”

- 7.7 It is considered the principle of development of the application site for educational and supporting uses is policy compliant in the above regards. The development also supports the wider aspirations for the Town Centre and Borough as a cultural and intellectual hub, a higher education centre of excellence, visitor destination and cultural centre and is considered to constitute the best use of an accessible brownfield site as required by the NPPF. No objection is therefore raised to the principle of the development, subject to other material planning considerations which are considered below.

Design and Impact on the Character of the Area

- 7.8 Paragraph 124 of the NPPF states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this”*.
- 7.9 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.10 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.11 The site is located within a town centre area characterised by a mix of education, commercial and residential buildings of varying size and scales. As such the development is not considered to fall within the scope of Development Management Policy DM4 which refers to Tall and Large Buildings as *“buildings that are substantially taller and/or bulkier and out of scale with the prevailing built form of the surrounding area and/or have a significant impact on the skyline”*
- 7.12 The proposed scale of the building broadly reflects that of Forum 1 to the west of the site and sits comfortably in the townscape in this location. The overall height at 20.9m high is slightly higher than the existing Forum building but is reduced to 18.9m adjacent to properties on the eastern side of the building to reference the varied scale of the residential properties on this side. The four storey development therefore responds well to the surrounding area in terms of its scale, size and depth and would not appear at odds with the character and appearance of the area taking into account the existing buildings surrounding the site including Forum 1 and the tower blocks of Mariner House and 9 Elmer Approach to the east and south of the site. The building will screen the rear of buildings within High Street, but will maintain public views of landmark buildings such as The Forum, SEC and the University. The scale of the development is considered acceptable and appropriate for the site.

- 7.13 The building utilises contemporary materials and methods of construction, again referencing the contemporary nature of the Forum 1 to the west of the site. The building has public frontages on all sides and therefore must balance the need for attractive and animated elevations with the other constraints and requirements of the site. The west elevation of the building facing the Forum is the main elevation and the focus for the development. It has a curtain wall system to the ground, first and second floor façade. The ground floor has full height glazing which will provide an active frontage to the square. The upper floors at first and second are made up of a checker board system, with solid and transparent panels alternating across the façade to add interest and provide some privacy for occupants. A mixture of solid anodised aluminium panels, coloured panels and clear translucent glazing are proposed. Signage will be located within the central atrium space. A feature overhang is proposed at the top floor which will be supported by columns to the top floor and clad in a metal standing seam cladding, made up of three colours and varying widths together with two corner angled windows which provide additional articulation.
- 7.14 The south elevation of the building also has curtain walling with dark brickwork on all three levels to maintain an animated frontage on this side which can be seen from Elmer Approach. The top floor is a continuation of the overhang and feature cladding and is a visual standalone element. White render is proposed to the eastern side of the southern elevation with ground floor brickwork.
- 7.15 The east elevation, facing properties on the High Street, has less glazing to protect the privacy of residential units on this side of the site. The elevation consists of white render, and some translucent film is proposed to glazed areas. The turning bay under the building is proposed as a bright vibrant colour to the walls and soffit area to enhance the public view of the servicing area and create an additional feature on this side. The north elevation is similar to the south however, less glazing is proposed and there is no signage on this elevation.
- 7.16 The existing 43 immature trees within the application site are proposed to be removed, whilst this is regrettable the applicant has confirmed that existing trees to the east of the cycle rack have not been thriving due to poor soil conditions. The majority of the existing silver birches will be replanted to the east of the cycle racks and 6 new, semi-mature specimens are proposed to be planted to the west elevation of the building together with additional planting. External seating is proposed to be installed in order to maximise the usage of this area. The applicant has confirmed that additional planting will also be carried out within the vicinity of the site to ensure that 2 trees are planted for every one lost as part of the development. This can be controlled by condition. The building will provide an attractive and animated frontage to the existing square and the proposed public realm enhancements will help maximise the public usage of this area, while softening the frontage of the building, which is welcomed. The scheme's landscaping would be controlled by the conditions recommended.

Conclusion

- 7.17 The overall scale of the development is considered to be appropriate for this town location and the relationship with Forum to the west of the site. The development is appropriately designed and well detailed, providing a contemporary building which will enhance the character and appearance of the surrounding area. As such the proposed new educational building is considered to be of an acceptable size, scale and design that would not result in any material harm to the character or appearance of the site or

the wider surrounding area.

- 7.18 Subject to conditions, the design and layout of the development is acceptable and policy compliant in respect of character and landscaping matters.

Impact on Residential and Neighbouring Occupier Amenity

- 7.19 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.

- 7.20 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 Document requires that all development should (amongst other things):

“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;”

- 7.21 There are residential properties to the north of the site along Queens Road and to the east of the site along High Street. These residential properties are generally flats over commercial properties at ground floor. It is noted that Mariner House at 157-163 High Street was converted to residential use as permitted development following Prior Approval applications in 2014 for floors 2-9, and 2016 for the first floor and an additional part of the 9th floor, in 2016. 9 Elmer Approach, to the south, is currently undergoing conversion and has prior approval for partial conversion into flats and outline planning permission for extension and conversion to an hotel.
- 7.22 The proposed building would be sited a minimum of some 15.75m from the rear of properties in Queens Road, 14.3m from the podium level of Mariners House and some 25.5m from the main tower of Mariners House. The upper residential floors of other properties within the High Street are no closer than specified.

Impact on sunlight and daylight

- 7.23 There are specific British Standard guidelines for assessing daylight and sunlight impacts of new development (BR209). These guidelines are not mandatory but offer guidance on how to assess the impact of a development proposal on existing and proposed residents and they make recommendations as to what might be considered acceptable. However the individual circumstances of the site and the scheme must also be considered. These guidelines recommend measurements for changes in:
- Vertical Sky Component (VSC) which is a measure of the amount of sky visible from a centre point of a window;
 - The Average Daylight Factor (ADF) represents the average amount of light (illuminance) on the working plane compared with outside;
 - No Sky Line (NSL) which is a measure of the distribution of light within a room including determining the point at which there is no view of the sky;

- Annual Probable Sunlight Hours (APSH) which is a measure of how much sunlight a window can receive;
- Overshadowing diagrams for various points throughout the year.

Daylight and Sunlight Impact on surrounding properties

- 7.24 An initial Daylight and Sunlight by Avison Young was submitted with the application. During the course of the application and following comments by the Councils Environmental Health Officer, a further, updated report was submitted dated September 2019. A copy of the updated report is attached as Appendix 1 to this report. The report assesses the impact on the following properties:

9 Elmer Approach

1B, 7A, 13 Queens Road and 15A Queens Road;

157 – 163, 165-167, 169 – 171, 173-175, 177, 181, 185-187, 189-189a High Street.

Environmental Health Officers are satisfied that the revised information now addresses all relevant issues and that the report is an acceptable and robust assessment and is considered to allow proper consideration of the schemes impact. The results of the updated Daylight and Sunlight Study can be summarised as follows:

- 1B Queens Road – has one living room and bedroom that see a change in excess of 20% of VSC, however both rooms have an existing level of daylight in excess of 30%. The retained level is 22.44% and 23.84%, these are high levels of daylight for a centre of town location and all rooms remain well lit. Retained sunlight is well in excess of guidance requirements. *Impact found to be acceptable.*
- 7A Queens Road – top floor reduction in daylight for VSC, ADF of less than 20% reduction and retains 90% of its room lit by the daylight contour. First floor sees in excess of 20% reduction but again retains in excess of 90% of its room lit by the daylight contour. On that basis this room will be well lit. Overall the impact on daylight is acceptable. Sunlight fully compliant. *Impact found to be acceptable*
- 13 Queens Road - BRE compliant. *Impact found to be acceptable*
- 15A Queens Road - BRE compliant. *Impact found to be acceptable*
- 157 – 163 High Street (Mariner House) - The flats in the tower element of this block see no noticeable impact with very minor alterations in light. The latterly consented podium flats will see a change to daylight given that the windows serving them are located on the rear boundary hard against the roadway between it and the site. The rooms have been fitted into the podium footprint and as such are very long and narrow meaning that only exceedingly low rise development on the Forum site would achieve a compliant result. *The scheme will cause a noticeable loss of light.*

The daylight and sunlight report goes on to state: *In essence these have been consented as an extremely poor neighbour to the development of the site and given the proposals for the Forum it is somewhat surprising consent was granted. In our view given these are the only adjacent residential units with any noticeable loss then in overall terms the scheme should be deemed as acceptable.*

Officers would note that this scheme was converted through the Prior Approval Process

- 165-167 High Street. - BRE compliant. *The schemes impact is found to be acceptable*
- 169 – 171 High Street - This flat again has three rooms facing the site. The windows to these rooms are already in a sheltered location and thus have lower existing levels of daylight and actual reductions in daylight are small. It is likely here that the internal conditions will not appear unduly different. *The schemes impact is found to be acceptable*
- 173-175 High Street - BRE compliant. *The schemes impact is found to be acceptable*
- 177 High Street - BRE compliant. *The schemes impact is found to be acceptable*
- 181 High Street - reductions are minimal with a slight increase in daylight for one

window. *The schemes impact is found to be acceptable*

- 185-187 High Street - BRE compliant. *The schemes impact is found to be acceptable*
- 189-189a High Street -. BRE compliant. *The schemes impact is found to be acceptable*
- 9 Elmer Approach – The building is not occupied, therefore as is the industry norm, the internal daylighting conditions have been analysed as opposed to potentially noticeable differences to the VSC. In all cases the internal average daylighting levels remain significantly higher than any requirements. Internal daylight distribution is approaching 100% in all cases post the planned Forum development. If the VSC figures were analysed, all but two rooms will retain in excess of 27% VSC which is the ideal standard daylight for a suburban house. The two rooms in question retain 23.02% and 24.96%. In combination with a daylight distribution of over 90% of the rooms' area then these are exceedingly well lit. *Impact acceptable.*

7.25 The impact of the development on the majority of the surrounding residential properties meets the BRE guidelines and/or is considered to be satisfactory. The proposed development would however have some impact on the surrounding residential occupiers and it is recognised that there will be a significant loss of sunlight and daylight to the two west facing flats within the podium level of Mariner House, 156-163 High Street.

7.26 This impact must be weighed against a number of factors: the previous use of this brownfield site was as a 4-6 storey multi storey car park; there has been a long term allocation of the site for development, firstly within the Elmer Square Development Brief, then within the Southend Central Area Action Plan and its allocation as Opportunity Site PA3.1; and the site is located within the Town Centre, within a close knit urban environment where all development, except very low rise development, will impact upon neighbouring properties.

7.27 A very low rise building would not fit comfortably on the site from a townscape point of view, would not reflect the character of this site and its surroundings and would not give rise to the regeneration benefits of the proposed scheme. Furthermore the proposed development would have multiple public benefits, including the provision of a highly accessible, state of the art new educational and arts building to improve and expand existing facilities within the town and to reinforce Elmer Square as the heart of the learning hub, in accordance with key local plan policies.

7.28 Taking all these factors into account it is considered that the negative impact of the development on the occupiers of Mariner House, 156-163 High Street, does not outweigh the benefits of the proposal and is not considered to warrant refusal of the application. The proposal is considered to meet the objectives of development plan policies and guidance.

Overbearing impact, sense of enclosure and outlook

7.29 Taking into account the siting and height of the development (which is comparable to the Forum 1 building), the set back of the upper floor away from the High Street properties and the detailed design of the elevations, it is considered that whilst there will

be some impact on the outlook and a greater sense of enclosure to surrounding occupiers (particular those within the podium level of Mariner House), weighing this against the factors set out in paras 7.26 and the public benefits of the scheme set out on para 7.27 it is not considered that this is not considered to warrant refusal of the application. The proposal is considered to meet the objectives of development plan policies and guidance.

Overlooking and loss of privacy

- 7.30 Taking into account the siting of the development and the detailed design of the elevations, including the use of translucent film to the glazing area for privacy and reduced glazing to the north and south elevations to mitigate against any overlooking or loss of privacy, it is not considered that the design of the development is such that, with the recommended conditions, it would result in a material loss of privacy or overlooking to the detriment of surrounding residential properties.

Lighting

- 7.31 It is proposed to downlight the exterior of the sides and rear of the building at ground floor level and to illuminate the area under the front facing upper floor projection. This will allow illumination of the building such that it will enhance its appearance and discourage antisocial behaviour, whilst protecting the amenities of surrounding occupiers. The applicants have submitted a Lighting Study carried out by DIALux dated 22nd June 2019 demonstrating the proposal will not harm the residential amenities of nearby properties. The Councils Environmental Health Officer has raised no objection to the lighting strategy and the submitted scheme is considered to be acceptable .

Noise and increased activity at the site.

- 7.32 The applicants have submitted a noise assessment 'Planning Noise Control Survey' in support of their application. This sets out the acoustic strategy to control external sound break in to the development and building services noise emissions to the surroundings. The assessment demonstrates that currently the local sound environment is moderately calm and quiet and is generally characterised by road traffic noise emissions on the roads surrounding the site, along with deliveries to and from the nearby retail premises and the Forum and operation of the Forum Screen.
- 7.33 The sound insulation needs of the building envelope have been assessed and sound reduction measures proposed such as double-glazed window systems in most areas with more robust construction methods for the performance studios.
- 7.34 The ventilation strategy states that office spaces are to be natural ventilated with attenuated ventilation openings. General teaching spaces, performance studios, the restaurant, the exhibition space and the office will be provided with a hybrid ventilation system. The performance venue and other internal areas will be mechanically ventilated so as to allow a more controlled environment. A number of mitigation measures are proposed to control the noise from building services plant including low-noise equipment, provision of high performance attenuation packages to the heat rejection plant and induct attenuators to the connections of all air handling plant, which are considered acceptable.
- 7.35 The Councils Environmental Health Officer has raised no objection in relation to noise,

subject to the relevant noise mitigation measures to be implemented prior to the occupation of the development. In order to safeguard the amenity of surrounding residents a number of conditions will be imposed to ensure noise levels from the development are kept to an acceptable level including for any plant or ventilation equipment to be installed.

- 7.36 The applicant has indicated the opening hours for the college areas will vary between 08:00-21:30 Monday to Thursday and 08:00-18:00 on Friday. The council managed opening times will vary, opening 7 days of the week. The exhibition space on the ground floor will be open from 10:00 to 22:00. The office and the studio spaces on the first floor will have 24 hour access. The project room, digital artist workspace, photography and editing suites are open between 08:00 and 22:00.
- 7.37 No objection is raised to the opening hours as set out above, which are similar to that of the Forum building to the west of the site. Notwithstanding the stated opening hours, the applicant has confirmed the opening hours may vary in the future. Therefore a condition is proposed to require a management strategy for hours of opening to be approved prior to the occupation of the development to protect the amenities of nearby residential occupiers and to ensure that the opening hours are formally agreed. This is considered to be an acceptable approach.
- 7.38 Overall, it is considered that, subject to the imposition of conditions, the impacts of the proposed development on the amenities of surrounding neighbours is acceptable in all relevant regards, on balance. The impacts of the development on daylight and sunlight are noted and have been fully taken into account and the balance weighed in the assessment of the scheme. However the proposal's impacts in this regard are found to be related to the site's urban context and the development of a scheme which is appropriate in this context and which addresses the site's policy allocation. The wider planning benefits that the scheme would deliver are also found to weigh significantly in its favour. Overall the scheme meets the objectives of the Borough's planning policy framework.

Traffic and Transportation Issues

- 7.39 Policy DM15 of the Development Management Document 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. All development should meet the parking standards (including cycle parking).

- 7.40 The application site benefits from a good level of transport infrastructure provision that provides opportunities for people to travel to the proposed development by non-car modes of transport. The site is considered to be extremely accessible. It is located within convenient walking distance of two stations which connect with both London Liverpool Street and Fenchurch Street and is close to cycle routes, bus routes and a number of public car parks within walking distance. The site is within ready walking distance of the town centre and its associated amenities and is also located close to the A13 and A127, Southend to London arterial roads.
- 7.41 The applicant has confirmed the maximum design occupancy of the building is 945 people: 75 staff, 442 students, 372 visitors and 56 artists. The Design and Access Statement (DAS) sets out the *“existing accommodation consolidation strategy”* stating that Forum II *“allows the College to consolidate fragmented provision in leased or hired accommodation and ease overcrowding in the Luker Road site as well as providing additional student places in media and the performing arts.”*
- 7.42 The Transport Statement sets out that the development will generate 175 vehicular movements during the AM peak hour and 75 during the PM peak. The applicant states the vehicle movements will be spread across the Southend highway network due to the various car parks around the site and therefore it is considered that the impact on the highway network will be negligible. In relation to impact on public transport 28 additional trips are forecast during the AM peak hour (08:00-09:00) for trains and 12 trips during the PM peak hour (17:00-18:00) resulting in 1.65 additional passengers per train during the AM peak, and less than one additional passenger per train during the PM peak. In relation to impact on local bus services, 13 additional trips are forecast to be made using buses during the AM peak hour (08:00-09:00) and 6 during the PM peak hour (17:00-18:00). The overall impact on the bus services is considered negligible as the net increase in trips is within typical daily fluctuations. The impact on the cycle infrastructure is that 16 additional cycle trips are forecast to be generated following the development during the AM/PM peak hours, with 49 trips across an entire day, thus not resulting in an adverse impact on the local cycle infrastructure. The Councils Highways Officer has raised no objection to the development on highways grounds subject to submission of a construction management plan. This matter can be addressed by a suitable condition.
- 7.43 Policy DM15 of the Development Management Document sets out maximum parking standards include 1 space per 40sqm for an office (Class B1) 1 space per 15 students for full time equivalent staff for education (Class D1) plus 1 space per 15 students for student parking and 1 space per 25sqm for exhibition space (Class D1). Thus a maximum of 83 parking spaces would be required for the new development.
- 7.44 The Transport Statement submitted with the application states *“there are 287 car parking spaces located on College Way that belong to the University and located under to the Luker Road College site and eight other public parking areas which include underground parking of University of Essex on Luker Road, and parking bays at different locations (Warrior Square, Southend Central Station, Sainsbury’s Southend, Essex Street, Short Street, Tylers Avenue and York Road and Portcullis House. More than 1000 spaces are available in less than a 10 minute walk from the proposed development which will be able to accommodate the forecasted demand”*.

- 7.45 The parking standards as set out by the Council in paragraph 7.43 above are maxima, and taking into account the location of the site within the highly sustainable town centre with ready access to a range of modes of public transport and a number of car parks within close proximity, no objection is raised to a zero on-site parking provision. The Council's Highways Officer has raised no objection to the development on parking grounds. The proposal is considered to be acceptable and policy compliant in terms of its car parking provision and its impacts on the highway and public transport networks.

Cycle Parking

- 7.46 The number of cycle spaces required for the proposed development in accordance with Policy DM15 of the Development Management Document is 1 space per 200sqm for visitors and 1 space per 100sqm for members of staff (Class B1) equating to 9 parking spaces; education (Class D1) requires 1 space per 5 staff and 1 space per 3 students equating to 163 spaces; 1 space 4 staff plus visitor parking for exhibition (Class D1) equating to 20 spaces - thus a total of 191 for all the uses proposed. The transport statement states "*the current provision of cycle parking spaces around the site is considered acceptable given the low forecasted number of cycle trips to the site*". No evidence has been submitted to support this assertion; however notwithstanding the details submitted a condition can ensure a suitable number of additional cycle spaces are provided to encourage the use of sustainable transport.

Travel Plan

- 7.47 A draft framework for a travel plan has been submitted to facilitate and encourage sustainable travel to and from the proposed development. This requires amendment before it could be considered to be robust and should also be linked to existing travel plans for the College and Forum. It is considered that the requirement for a travel plan to serve the new building can be the subject of a condition.

Servicing

- 7.48 Deliveries and servicing, including refuse collection, will be facilitated by the provision of a delivery bay to the north of the development alongside the Farringdon Service Road. The servicing would generate seven deliveries and servicing trips per day, six of these will utilise cars and vans and one an HGV utilising the two loading bays on Farringdon Service Road under the development. A delivery and servicing plan together with a waste management strategy are proposed to be required though the conditions recommended to ensure that these elements of the scheme are acceptable.

Conclusion on transport

- 7.49 On balance, taking into account that the site is located within the town centre with good access to public transport and a number of car parks, and cycle provision is to be secured by condition, the proposed development would not have an adverse impact on traffic generation or highway safety in the locality and the provision of zero on site parking is considered acceptable. On balance, the development is considered to be acceptable and policy compliant, in respect of traffic and transport matters.

Sustainability

- 7.50 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.
- 7.51 The submitted ‘The Forum 2, Energy Strategy Report dated May 2019’ indicates that the development is committed to provide 10% of energy needs through low carbon technologies. Preferred renewable technologies include a water source heat pump (WSHP) to convert heat from water into sustainable energy. The various low carbon technologies will provide 24% of onsite renewable energy. Further information is required to confirm that this provides 10% of energy needs through on site renewable options. This matter can be addressed by the use of a suitable condition. Subject to a condition no objection is raised on this basis.
- 7.52 For Southend, there is an identified need for increased water efficiency measures to be integrated into new developments to take account of the water resourcing issues identified in Essex and it is necessary to ensure that water efficient design measures are incorporated into the proposed development. Whilst details of these have not been submitted with the application, this matter can be addressed by imposition of suitable conditions.

Flood Risk and Drainage Matters

- 7.53 A drainage strategy and water quality management report has been submitted for consideration and revised to include additional information during the course of the application. The desktop study indicates that the site is located on the London Clay Formation (clay and silt over sedimentary bedrock). Based upon the information submitted the infiltration as a means of disposal is not feasible on the site due to the likely permeability of the clay sub soils. The proposed surface water drainage system will be restricted to two litres/sec prior to its connection onto the existing Anglian Water surface water sewer and can be controlled by condition. Oversized pipes and below ground cellar crates will be used to store surface water prior to slow discharge from the site and rainwater will be discharged to sewers/drains.
- 7.54 The application has been submitted with a flood risk assessment which states that the site is located in a flood zone 1 and therefore is classified as low risk, with a less than 0.01% chance of being flooded. The report states that the site is not at risk of fluvial flooding for return periods including the 1 in 1000 year. Flooding of external areas is predicted on the 1000 year event surface water flooding maps. The proposed building will be situated 0.15m above proposed ground levels resulting in a low risk of all forms of flooding.
- 7.55 The LLFA and Anglian Water have raised no objections to the development subject to appropriate conditions. Subject to such conditions, the development is considered acceptable and policy compliant in respect of flooding and drainage matters.

Decontamination

- 7.56 Paragraph 170 of the NPPF states *'Planning policies and decisions should contribute to and enhance the natural and local environment by...remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*
- 7.57 Policy DM14 of the Development Management Document states *'Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where: an appropriate contaminated land assessment has been carried out as part of the application to identify any risks to human health, the natural environment or water quality...'*
- 7.58 A Geotechnical and Geoenvironmental Interpretive Report Revision 1 (Phase 1 and Phase 2), Desk Study Report, and Geotechnical and geo-environmental interpretive report carried out by Card Geotechnics have been previously submitted with application 11/00790/BC3M for the Forum phase I, which covered both phases of development and the information submitted was considered acceptable. However, if during the course of the development any contamination is found which has not been previously identified a suitable condition can be imposed to ensure full details are submitted to and agreed in writing with the local planning authority.
- 7.59 The development is therefore considered acceptable and policy compliant in this respect.

Archaeology

- 7.60 It is considered that as the site is previously developed land, in this instance there are unlikely to be any archaeological implications for this site and none were found during the construction of the Forum Phase I to the west of the site.

Ecology

- 7.61 Paragraph 170 of the NPPF states *'Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...minimising impacts on and providing net gains for biodiversity...'*
- 7.62 Policy KP2 of the Core Strategy states *'All new development...must respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the Borough's biodiversity and green space resource...'*
- 7.63 The application has been submitted with an extended phase I habitat survey report which concludes that the development will not have a negative impact on nearby designated sites. The report states there is no evidence of protected or notable species surrounding the site due to the young trees on site that would provide negligible bat roost potential or nesting opportunities for common bird species. The site is therefore confirmed to be of low ecological value. There are a number of mitigation measures and recommendations, within the submitted survey, that can be controlled by condition.

- 7.64 Given the findings of the submitted habitats survey, it is considered, that the development would have no adverse impact upon protected species or biodiversity with the conditions recommended. The scheme is acceptable and policy compliant in this respect.

Community Infrastructure Levy (CIL)

- 7.65 Although this application is CIL liable, in this instance the chargeable amount has been calculated as a zero rate as the development is being undertaken by a 'not for profit organisation'. The Council and College are predominantly publicly funded organisations. However, it is recommended that a condition be applied to this permission restricting the nature of the use within Use Class D1 to prevent future changes in the use of the building to a use that would not be zero rated and would have a greater impact in terms of infrastructure requirements. This condition is required to determine the scope of this permission in terms of its impact on community infrastructure in accordance with Core Strategy Policy CP6.

8 Conclusion

- 8.1 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 overall objectives of the development plan policies and national guidance. The redevelopment of the site for education purposes is wholly in accordance with the Elmer Square Development Brief, Core Strategy aims and objectives and policies contained within the Southend Central Area Action Plan and is welcomed. The regeneration of the site would have positive impacts on the character and appearance of the streetscene and wider area. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development.
- 8.2 Whilst it is recognised that the development would have an impact on the amenities of the occupiers of the podium level of Mariner House, 156-163 High Street in certain regards, in this urban, town centre location, and weighted in the balance, this does not warrant a refusal of planning permission. Furthermore the proposed development would have multiple public benefits, including the provision of a new educational and arts building to improve and expand existing facilities within the town and to reinforce Elmer Square as the heart of the learning hub, in accordance with key local plan policies. The application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 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:
Location Plan and Block Plan ADP-XX-00-DR-A-0900 Revision S2P2
Site Plan ADP-00-00-DR-A-0910 Revision S2 P3

Proposed Basement ADP-00-B1-DR-A-1000 Revision S2P3
Proposed Ground Floor ADP-00-00-DR-A-1001 Revision S2P3
Proposed First Floor ADP-XX-01-DR-A-1002 Revision S2P3
Proposed Second Floor ADP-XX-02-DR-A-1003 Revision S2P3
Proposed Third Floor ADP-00-03-DR-A-1004 Revision S2P3
Proposed Roof Level ADP-00-R1-DR-A-1005 Revision S2P4
Proposed East and North Elevations ADP-XX-ZZ-DR-A-1208 Revision S2P3
Proposed South Elevation ADP-XX-ZZ-DR-A-1211 Revision S2P2
Proposed North Elevation ADP-XX-ZZ-DR-A-1213 Revision S2P2
Proposed West and South Elevation ADP-XX-ZZ-DR-A-1207 Revision S2P3
Proposed Section ADP-XX-ZZ-DR-A-1230 Revision S2P2
Site Sections ADP-XX-ZZ-DR-A-1303 Revision S2P2
Site Section E ADP-XX-ZZ-DR-A-1304
Site Sections Existing and Proposed ADP-XX-ZZ-DR-A-1302 Revision S2P2
West Elevation Portion ADP-00-XX-DR-A-1215 S2P2
East Elevation ADP-XX-ZZ-DR-A-1212 Revision S2P2
West Elevation ADP-XX-ZZ-DR-A-1210 Revision S2P2

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

- 03** Notwithstanding the information submitted with the application, no development above ground floor slab level shall take place until samples of the materials to be used on all the external elevations of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall only be carried out and completed in accordance with the approved details before it is brought into use.

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

- 04** Notwithstanding the details shown on the plans submitted and otherwise approved, no development above ground floor slab level shall take place until full details of both hard and soft landscape works and any boundary treatments 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 and boundary treatments shall be carried out prior to first use of the development hereby approved and the soft landscaping works within the first planting season following first use of the development. These details shall include:

- i.** proposed finished levels or contours;
- ii.** hard surfacing materials and means of enclosing the site;
- iii.** details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site ,e.g.
the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, and details of measures to enhance biodiversity within the site.

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, Policies DM1 and DM3 of the Development Management Document (2015)

- 05** Notwithstanding the details shown on the plans submitted and otherwise approved prior to the first use of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the location and number of secure, cycle spaces to be provided to serve the development. The approved cycle parking shall be provided in full and made available for use by students and staff.

Reason: To ensure the provision of adequate cycle storage and parking in accordance with policies DM3 and DM15 of Development Management Document (2015).

- 06** Notwithstanding the details shown on the plans submitted and otherwise approved, prior to the first occupation of the development hereby approved a Servicing and Delivery Strategy shall be submitted to and agreed in writing by the local planning authority. The submitted strategy shall include hours of delivery, monitoring and review arrangements for the service of and deliveries to the development. Servicing and deliveries shall take place in accordance with the strategy prior to the first use of the development hereby approved and retained as such in perpetuity.

Reason: To ensure that the development is satisfactorily serviced and 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 DM3 and DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 07** Notwithstanding the details shown on the plans and the submitted Energy Strategy report, 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 by the Local Planning Authority and implemented in full prior to the first use of any part of the development. This provision shall be made for the lifetime of the development. The renewable technology measures shall be installed prior to the first occupation of the building.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015), and the Design and Townscape Guide (2009).

- 08** The development hereby approved shall be undertaken and completed in accordance with the mitigation, recommendations and enhancement measures contained within Section 4, page 8 of the South Essex College-The Forum Phase II Ecological Appraisal prepared by LUC dated October 2018, within the first planting season prior to the occupation of the building.

Reason: To ensure the development provides biodiversity and ecology benefits in accordance with the National Planning Policy Framework (2019), and Core Strategy (2007) Policies KP1, KP2 and CP4.

- 09 The development hereby approved shall be undertaken in accordance with the recommendations contained within the Geotechnical and Geoenvironmental Interpretive Report Revision 1 (Phase 1 and Phase 2), Desk Study Report, and Geotechnical and geo-environmental interpretive report carried out by Card Geotechnics dated January 2012 previously submitted to and approved in writing by the Local Planning Authority under the approval of details application reference 11/01705/AD.**

- 1. 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.**
- 2. 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).

- 10 The parts of the development hereby approved for purposes falling within Class D1, shall be limited to education use for South Essex College, performing arts and music practice and an art gallery and shall not be used for any other purpose, including any other use falling within use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.**

Reason: To safeguard the impact on residential amenity and highway safety in accordance with policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM15 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

- 11 Notwithstanding the information submitted with the application, the development hereby approved shall not be brought into first use unless and until a Travel Plan linking with that which exists for South Essex College and Forum 1 and including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage has been submitted to and agreed in writing by the local planning authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity and shall be reviewed after 12 months of the development being occupied. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.**

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

- 12** The noise mitigation measures outlined in the Planning Noise Control Strategy Revision 00 dated 29 March 2019 including sound insulation, ventilation and control of noise from building services and plant shall be implemented in their entirety prior to occupation of the development hereby approved and shall be maintained in perpetuity thereafter.

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).

- 13** Notwithstanding the details of opening hours for building submitted for consideration, an 'hours of operation' management plan shall be submitted to and agreed in writing by the local planning authority prior to the first occupation of the building. The development shall be occupied in perpetuity only in accordance with the approved details.

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).

- 14** Prior to first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how the development will provide for the storage and collection of general refuse and re-useable and recyclable waste and what strategies will be in place to reduce the amount of general refuse over time. Waste management at the site shall be carried out in accordance with the approved strategy from first occupation and be retained in perpetuity.

Reason: To ensure that satisfactory waste management is undertaken in the interests of highway safety, visual and general 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) and Design and Townscape Guide (2009).

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

- i) **Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;**
- ii) **a timetable for its implementation; and**
- iii) **a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.**

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

- 16 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 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 and access routes**
- 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**
- vii) measures to minimise noise disturbance impacts.**

Reason: A pre-commencement condition is needed in the interests highway safety, visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 17 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 and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the details, materials, specification and location of all obscure window film to be implemented as part of the development. The development hereby permitted shall be implemented and completed 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.**

Reason: To protect the amenities of nearby residential occupiers in terms of overlooking and loss of privacy. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development

Management Document (2015) policies DM1 and DM3, and advice contained within the Design and Townscape Guide (2009).

- 18 No extraction and ventilation equipment for the proposed development 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 and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standards BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dbB(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 nearby residential 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 advice contained within the Design and Townscape Guide (2009).

- 19 Notwithstanding the details submitted and otherwise hereby approved external lighting shall only be installed at the site in accordance with details including the design of the lighting and the hours of illumination that have previously been submitted to and approved in writing by the local planning authority.**

Reason: To protect the amenities of surrounding residential occupiers in accordance 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 Design and Townscape Guide (2009).

- 20 Hours of works associated with this permission shall be limited to 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.**

Reason: In the interests of the residential amenity of the adjoining residents 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).

- 21 Delivery times for the development hereby approved shall not take place outside 08:00 hours to 21:00 hours Mondays to Saturday and 08:00hours to 20:00 hours on Sundays.**

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).

- 22** Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 3.5m from the ground floor facades and 1m from all other facades of the neighbouring noise sensitive premises.

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

- 23** Prior to first occupation of the development hereby approved details of how the development will minimise the use of water and maximise the use of recycled water through efficient design measures for example: rainwater harvesting; greywater use; water efficient plumbing and wastewater reuse, shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details prior to first use and thereafter maintained and operated in accordance with the approved details in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with National Policy, Core Strategy (2007) policies KP2 and CP4, and Policies DM1 and DM2 of the Development Management Document (2015)

- 24** The development authorised by this permission shall not begin unless and until the local planning authority has approved in writing a full scheme of off site tree planting.

This scheme shall include:

- i) details of the number, size and location of the trees to be planted together with a planting specification and details of the management of the site; eg; the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval

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).

Informatives

- 01** Community Infrastructure Levy Liability Notice: You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero under the CIL Regulations 2010 (as amended) due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the Planning and Building Control Group to discuss the requirement for planning permission and CIL liability.

- 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 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 at Service Headquarters.
- 04** Essex County Fire and Rescue Service urges building owners and developers to consider the installation of Automatic Water Suppression Systems which can substantially reduce the risk to life and of property loss.
- 05** Anglian Water- The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) Informative - 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. (2) Informative - 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. (3) Informative - Protection of existing assets - 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. (4) Informative - Building near to a public sewer - 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. (5) Informative: 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.
- 06** You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) if you want to put up an advertisement at the property.