

Reference:	19/01732/AMDT
Application Type:	Minor Amendment
Ward:	Victoria
Proposal:	Application to vary condition 12 (deliveries and refuse collection hours) to vary delivery hours to allow newspaper deliveries (Minor Material Amendment to planning permission 18/00679/AMDT dated 05.11.2018)
Address:	Unit At, 411 - 415 Sutton Road, Southend-On-Sea
Applicant:	One stop Stores Limited
Agent:	calfordseaden LLP
Consultation Expiry:	20th March 2020
Expiry Date:	23rd March 2020
Case Officer:	Robert Lilburn
Plan Nos:	001 Location Plan
Recommendation:	Delegate to the Director of Planning and Transport or the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended)

1 Site and Surroundings

- 1.1 The application site contains a three-storey mixed-use building located on the western side of Sutton Road, between the junction of Vale Avenue and Kenway. It is a primarily residential building of flats with a retail commercial space at the ground floor southern end.
- 1.2 The overall development is at an advanced stage, following the earlier grant of planning permission under 18/00679/AMDT and subsequent approval of details required by conditions. As such many of the flats were occupied at the time of officer site visit. The retail space, located at the southern end of the development below two floors of flats and adjacent to a separate stonemason premises, awaits occupation.
- 1.3 The environs of the site are predominantly residential, comprising houses, flats and shops with flats above. To the rear (west) of the site, lie two storey residential properties in Glenhurst Road. These have rear gardens which abut the site.
- 1.4 The site is allocated as Proposal Site PA9.1 within the adopted Southend Central Area Action Plan (SCAAP) as part of the Sutton Gateway Policy Area, and as part of a wider site for housing and community uses.

2 The Proposal

2.1 The proposal relates to the ground floor retail space, and Condition 12 of planning permission for the development (18/00679/AMDT). Condition 12 reads as follows:

“No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00 hours Mondays to Fridays and 08:00-13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays. Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)”.

2.2 The applicant seeks a relaxation of this condition to allow specifically the once-daily delivery of newspapers to the ground floor retail space, from 05.30-07.00 hours. The applicant states that this would be carried out by a van, defined as a ‘Category N1’ vehicle as defined by the Vehicle Certification Agency (VCA).

2.3 The VCA defines Category N1 as vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes.

2.4 The shopfit plan has been provided to show that there would be no further external alterations or operational development associated with the proposal, beyond those already approved.

2.5 The agent has set out a further detailed delivery methodology, whereby the newspapers and magazines would be delivered into the building directly, transferred from the vehicle within plastic tote boxes.

2.6 The application would require a fresh grant of planning permission for the entire development. The **only** variation of the proposals is that described above. As the development is classified as a ‘major’ development, it falls to be determined by the Development Control Committee.

3 Relevant Planning History

3.1 19/00991/AD: Application for approval of details pursuant to condition 09 (details of scheme of equipment installation) of planning permission 18/00679/AMDT dated 05.11.2018. Approved.

3.2 19/00826/AD: Application for approval of details pursuant to condition 20 (details of shopfront) of planning permission 18/00679/AMDT dated 05.11.2018. Approved.

3.3 19/00447/AD: Application for approval of details pursuant to condition 05 (Car Park Management Plan) of planning permission 18/00679/AMDT dated 05.11.2018. Approved.

3.4 19/00214/AD: Application for approval of details pursuant to condition 15 (details of external lighting) of planning permission 18/00679/AMDT dated 05.11.2018. Approved.

3.5 18/02258/AD: Application for approval of details pursuant to conditions 06 (details of waste management), condition 24 (details of tree protection) and condition 25 (details of

vehicular accesses) of planning permission 18/00679/AMDT dated 5.11.2018. Approved.

- 3.6 18/01099/NON: Replace approved plans 202-Rev P4 203-Rev P4 205 Rev P5 206 Rev P5 with plans 202-Rev P5 203-Rev P5 205 Rev P6 206 Rev P6 - amendment to ground floor front elevation - flat door types to blocks B & C (Non-material Amendment to Planning Permission 17/00821/AMDT dated 06.12.2017). Approved.
- 3.7 18/00290/AD: Application for approval of details pursuant to condition 7 (Waste Management Plan) of planning permission 17/00821/AMDT dated 06.12.17. Approved.
- 3.8 18/00679/AMDT: Application to vary condition 02 (Approved Plans), condition 04 (Landscaping) and condition 05 (Parking) replacing plan number 16.563 200 P5 (Proposed site plan and street scene) with plan number 16.563 200 P6 (Proposed site plan and street scene), and replacing plan number 2244-17 rev 3 (Soft landscaping – planting) with 2244-17 rev 8 (Soft landscaping – planting) (Minor Material Amendment to planning permission 17/00821/AMDT dated 06.12.2017). Approved.
- 3.9 17/00821/AMDT: Application to vary condition 2 (approved plans) of planning permission 16/01503/FULM (Demolish existing buildings, erect 3 storey block comprising of 44 flats, 252sq. m retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated works) dated 29/03/2017 to alter elevations, alter layout, alter unit mix, reinstate lift and roof terraces. Approved.
- 3.10 16/01503/FULM: Demolish existing buildings, erect 3 storey block comprising of 44 flats, 252sq. m retail commercial floor space at ground floor, communal amenity space, landscaping, parking and associated works (Amended Proposal). Approved.
- 3.11 Numerous earlier applications have been determined in relation to the site; these are considered not to have a significant bearing on the determination of the current application.

4 Representation Summary

4.1 Public Consultation

65 neighbouring properties were notified, a press advertisement has been published and a site notice was posted. Letters of representation have been received from two parties, as follows:

- No need for additional newspaper delivery service;
- Existing delivery hours are sufficient;
- Impacts of extended delivery hours on nearby occupiers given their proximity, including dwellings at Glenhurst Road;
- Applicant should not be allowed to make repeated amendments.

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

4.3 Environmental Health

No objections given in light of amended delivery methodology.

4.4 **Highways**

The off-site highway works have been completed to the satisfaction of the Highway authority.

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); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Low Carbon Development and Efficient Use of Resources) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision)

5.3 Development Management Document (2015): Policies DM1 – Design Quality; Policy DM2 – Low Carbon Development and Efficient Use of Resources; Policy DM7 – Dwelling Mix, Size and Type; Policy DM8 – Residential Standards; Policy DM11 – Employment Areas; Policy DM15 – Sustainable Transport Management.

5.4 Design & Townscape Guide (2009)

5.5 Planning Obligations (2010)

5.5 CIL Charging Schedule (2015)

5.6 National Housing Technical Standards (2015)

5.7 Southend and Central Area Action Plan (SCAAP) (2018)

6 **Planning Considerations**

6.1 The principle of the development, its siting, layout and design, the dwelling mix and tenure, and the impact of the development on traffic generation and highway safety have all previously been found to be acceptable. The amount of development and footprint of the building remains unchanged and therefore the impact on archaeology, flood risk and drainage, contamination and sustainability remain the same as that previously considered to be acceptable. CIL liability would be unaffected.

6.2 The proposal is considered to fall within the ambit of a minor material amendment to the original permission.

6.3 The main considerations in relation to this application are therefore the impact on surrounding occupiers including those of the development, parking and transport considerations, and developer contributions.

7 **Appraisal**

Impact on residential amenity including residential occupiers of the development

7.1 Paragraphs 124 and 127 of the National Planning Policy Framework seek to secure high quality design and a good standard of amenity for all existing and future occupants

of land and buildings. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.

- 7.2 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that *“protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including...noise and disturbance...and pollution”*.
- 7.3 The principal impact of the proposal on nearby occupiers, including those above the retail shop at first and second floors, would be from the additional comings and goings were delivery times extended back to 05.00. A general extension of delivery hours (including collections) could lead to a material and harmful degree of noise disturbance to surrounding occupiers at night-time hours between 05.00 and 07.00.
- 7.4 It is considered reasonable, necessary, sufficiently precise and relevant that the frequency of deliveries could be limited by condition to no more than one to take place between the hours of 05.00 and 07.00 in any given day. The prohibiting of other collections in this time could also be secured by condition. This would serve the interest of maintaining neighbour amenities. Delivery arrangements as specified in Condition 12 of 18/00679/AMDT at all other times on any given day would not be affected.
- 7.5 Carrying out of the deliveries by large commercial vehicles would have an attendant impact in terms of noise, vibration and fumes, proportionate to their size, which would be keenly felt by nearby residential occupiers between the hours of 05.00 and 07.00. It is considered reasonable, necessary, sufficiently precise and relevant that the manner of the delivery made once per day between the hours of 05.00 and 07.00 be carried out only by vehicles of a prescribed specification in terms of weight (or lower).
- 7.6 The applicant has specified vehicles no larger than a ‘Category N1’ vehicle [as defined by the Vehicle Certification Agency (VCA)] which would be no greater in maximum gross weight of 3.5t. An example of this would be a transit van. It is considered that this specification would have reasonably limited impacts in terms of engine noise, complexity of door mechanisms, and fumes, not significantly greater than those of a car, on what is already a road with significant activity.
- 7.7 A further condition could be applied to prohibit the use of trolleys or cages in the delivery outside the van to minimise the potential for noise disturbance to nearby residential occupiers arising from the potential use of such ancillary equipment.
- 7.8 The applicant has specified that the product would be delivered directly into the shop using plastic tote boxes. Should the delivery vehicle park on the main road, where laybys are available nearby, it is considered that noise impacts could reasonably be expected to be no greater than might ordinarily be expected from general comings and goings. Use of the rear car park for parking may lead to additional noise impacts from turning vehicles and therefore this should be limited by condition.
- 7.9 Environmental Health have not objected to the proposal and it is considered subject to the conditions identified that the proposal would not result in any material harm to the amenity of surrounding properties, including occupiers of nearby dwellings and the flats above the retail unit, over and above the existing situation.

7.10 The application is found acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

7.11 Policy DM15 of the Development Management Document states '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.'

7.12 It is considered that as the proposal would generate additional traffic of one vehicle at the early hours that the impact in terms of the highway network would not be material.

Developer contributions

7.13 Core Strategy Policy KP3 requires that:

"In order to help the delivery of the Plan's provisions the Borough Council will:

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.

This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, 'green grid', recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements".

7.14 The above addresses the specific mitigation for 411-415 Sutton Road for matters not addressed within the 'Regulation 123 Infrastructure List'. The provisions of the S106 Agreement are the same as those previously agreed in relation to application 18/00679/AMDT, secured via a Deed of Variation.

7.15 Affordable Housing: The development is to incorporate 20% Affordable Housing required by the S106 agreement in compliance with DM7. The applicant has stated that the tenure is to be affordable rented units (as agreed under application 18/00679/AMDT) and considers the provision of 2 x 1 bed and 7 x 2 bed units, as proposed, to meet current need. The unit mix and proposed tenure are unchanged from the approved scheme and considered acceptable.

7.16 Highways works and public realm enhancements: Highways works proposed to the front of the site have been carried out as confirmed by the Highways officer.

7.17 Travel Packs and Travel Plans: Travel Packs are required for the residential development and a travel plan will be required for the retail development.

7.18 The contributions proposed are considered to meet the tests set out in the CIL Regulations (2010). In common with the earlier approved schemes, without the contributions that are set out above the development would not be considered acceptable, noting that the planning permission would relate to the entire development.

Therefore if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 9 ('Recommendation') below.

Community Infrastructure Levy (CIL)

- 7.19 The Community Infrastructure Levy Regulations (2010) (as amended) came into force on 6 April 2010. The planning obligation discussed above and as outlined in the recommendation below has been fully considered in the context of Part 11 Section 122 (2) of the Regulations, namely that planning obligations are:
- a) necessary to make the development acceptable in planning terms; and
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development

The conclusion is that the planning obligation outlined in this report would meet all the tests and so that if the application were otherwise considered to be acceptable this would constitute a reason for granting planning permission in respect of the application.

- 7.20 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 3,155 sqm which may equate to a CIL charge of approximately £78,764.12 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount. Since part of the development would be for affordable housing the applicant can apply for an exemption for those areas.

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 objectives of the relevant development plan policies and guidance. The proposal would, subject to conditions, have an acceptable impact on the amenities of neighbouring occupiers and the highways impacts of the proposal are considered to be acceptable. This application is therefore recommended for approval subject to completion of a S106 Agreement and subject to conditions.

9 Recommendation

Members are recommended to:

- (a) **DELEGATE to the Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to expiration of the press notice and completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to seek the following:**
- **A minimum of 9 units of affordable rented housing units (20% of overall**

provision) comprising 2x1 bed and 7x2 bed units.

- Provision of Travel Packs for residents.
- Retail Travel Plan.

(b) The Director for 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 shall be carried out and retained in accordance with the approved plans:

Location plan 001

16.563 200 P6 Proposed site plan and street scene

2244-17 rev 8 Soft landscaping - planting

FRNT_16.563_201_P4 Block A floor plans

FRNT_16.563_202_P4 Block B floor plans

FRNT_16.563_203_P4 Block C Floor Plans

FRNT_16.563_204_P4 Block A elevations

FRNT_16.563_205_P4 Block B elevations

FRNT_16.563_206_P4 Block C elevations

FRNT_16.563_208_P4 Proposed overview floor plans

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

02 Soft landscaping shall be retained at the site in accordance with the approved plan No.2244-17 Rev 8. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of planting them, they must be replaced with trees of a similar size and species.

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

03 The development shall only be occupied in accordance with the agreed car park management plan approved under the application with planning reference 19/00447/AD. The parking spaces and car parking layout shall be permanently retained for the parking of occupiers, staff and visitors to the development.

Reason: To ensure that the car parking is available and satisfactorily managed in the interests of traffic management and highway safety in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

04 The waste management and servicing of the development shall be carried out only in accordance with the details approved under the applications with planning references 18/02258/AD and 18/00290/AD.

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

- 05 Secure, covered cycle parking shall be provided and thereafter retained to serve the residential development and the retail/commercial unit, in accordance with the details approved under application reference 18/00053/AD.**

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

- 06 Construction shall be carried out in accordance with the Construction Method Statement approved under application reference 17/00883/AD. The approved Statement shall be adhered to throughout the construction period.**

Reason: In the interests of visual amenity and to protect the amenities of occupiers of the development and surrounding occupiers pursuant to Policy CP4 of the Core strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 07 With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.**

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

- 08 The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours on any day.**

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

- 09 No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00 hours Mondays to Fridays and 08:00-13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays, with the exception of newspapers and magazines deliveries only, which shall be limited to one delivery per day by means of a vehicle no larger than a Category N1 as defined by the Vehicle Certification Agency (or equivalent category in the event of a future change of categorization or certification body) between the hours of 05:30-19:00 hours and prior to 07:00 shall not be delivered with means of trolleys or cages and from the roadside only.**

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

- 10** The development shall be retained in accordance with the details of the implementation, maintenance and management of the scheme for surface water drainage works that have been approved in application reference 18/00053/AD.

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 area in accordance with Policy DM2 of the Development Management Document (2015).

- 11** External lighting shall be provided at the site in accordance with the details approved under application reference 19/00214/AD. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.

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

- 12** The development shall be retained in accordance with the scheme for protecting the dwellings from noise from road traffic approved in application reference 18/00053/AD.

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

- 13** Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

- 14** Landscape management of the development, including management responsibilities and maintenance for all landscape areas shall be carried out only in accordance with details approved under application reference 17/00884/AD.

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

- 15 The development shall be retained in accordance with the scheme of photovoltaic cells approved in application reference 18/00053/AD.

Reason: To ensure the development maximises the use of renewable energy, in accordance with Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 16 Any shopfront shall be installed in accordance with the approved details in application reference 19/00826/AD. The approved shopfront shall be installed prior to first occupation of the retail unit.

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

- 17 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM13 of the Development Management Document (2015).

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (2015) (as amended) (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise agreed in writing by the Local Planning Authority.

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

- 19 The commercial floor space hereby approved shall only be occupied for uses falling within Use Class A1 retail and shall not be used for any other purpose and for no other purpose including any within Classes A2, A3, A4 and A5, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force). The hereby approved Use Class A1 retail floorspace shall also not be used for any alternative uses otherwise permitted under the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking or re-enacting that Order).

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

Informatives

- 1** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 2** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 3** The applicant is reminded that this permission does not bestow compliance with the Licensing Act 2003. Applicants should contact the Council's Licensing Team for more advice on 01702 215005.
- 4** An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.
- 5** There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire and Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk of life, business continuity and limit the impact of fire on the environment and local economy. Even where not required under Building Regulation's guidance, ECFRS would strongly recommend a risk base approach

to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We would also encourage developers to use them to allow design freedom, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the regulations are met.

- 6 The applicant is reminded that additional water supplies for fire-fighting may be necessary for this development. The applicant is urged to contact the Water Technical Officer at Service Headquarters tel 01376 576342.
 - 7 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.
- (c) In the event that the planning obligation referred to in Part 9(a) above has not been completed by 5th March 2020 or a later date that has been agreed in writing by the local planning authority, 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 will not provide for affordable housing and necessary transport mitigation measures contrary to the objectives of the National Planning Policy Framework, Policies KP1, KP2, KP3, CP3, CP4 and CP8 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM7 and DM15 of the Southend-on-Sea Development Management Document (2015). In the absence of these planning obligations the application is found to be unacceptable.