

Reference:	21/00711/FULM	
Application Type:	Full Application Major	
Ward:	St Lukes	
Proposal:	Residential development comprising of up to 221 units with associated access, parking, landscaping and associated infrastructure	
Address:	Land East Of, Fossetts Way, Southend-on-Sea	
Applicant:	Ilke Homes	
Agent:	Miss Esme Sparrow	
Consultation Expiry:	12th May 2021	
Expiry Date:	22nd September 2021	
Case Officer:	Spyros Mouratidis	
Plan Nos:	PL01, PL02, PL03 Rev B, PL04, PL05 Rev A, PL07, PL08 Rev A, PL12 Rev A, PL15, PL17 Rev B, PL17 Rev A, PL20, PL21 Rev A, PL22 Rev A, PL23 Rev A, PL24 Rev A, PL25 Rev A, PL26, PL27 Rev A, PL30 Rev A, PL31 Rev B, PL35 Rev A, PL36, DR-5000 Rev P10, DR-5001 Rev P3, DR-5002 Rev P3, DR-5003 Rev P3, DR-5004 Rev P3, DR-5005 Rev P3, DR-5006 Rev P3, DR-5007 Rev P3, DR-5008 Rev P3, DR-5100 Rev P4, DR-5500 Rev P1, DR-5700 Rev P3, S38 Street Lighting Design, Private Street Lighting Design	
Supporting Documents:	<ul style="list-style-type: none"> - Agricultural Land Quality February 2021, - Air Quality Assessment 2007190-5 March 2021, - Arboricultural Survey 2930-5-4-001 Rev P2 8 January 2021, Arboricultural Impact Assessment & Method Statement 2930-5-4-002 Rev P1 17 June 2021, - Archaeological Desk Based Assessment JAC26978 January 2021, Letter from Heritage Consultant with plans and wireframes DR-001 to 009 Rev P1 19 May 2021, Letter from Heritage Consultant 30 June 2021, Viewpoint Sections DRS-001 to 005 rev P2 Email from developer confirming position of SAM Management Plan 15 July 2021, - Car Park Management Plan 2007190-06A March 2021, - Design and Access Statement March 2021, Landscape and Visual Impact Assessment T1 Rev P2 March 2021, CGI Images PL18 Rev A, Lighting Strategy with Outdoor Lighting Reports 16 February 2021, Emails with summary of alterations to design 18 June 2021, 28 June 2021 and 2 July 2021, 	

	<ul style="list-style-type: none"> - Ecological Assessment DFA21017 March 2021, Newt and Reptile Report DFA21033 June 2021, Information to Inform a Habitats Regulation Assessment DFA21018 March 2021, - Education Impact Assessment 11 March 2021, - Energy and Sustainability Statement Issue 2 March 2021, - Flood Risk Assessment 20106-BDC-ZZ-XX-RP-C-0001 Rev P2 31 March 2021, Email in response to LLFA 20 May 2021, - Geo-Environmental and Geotechnical Report ESP.7785b.3499 Rev 2 July 2021, - Health Impact Assessment March 2021, - IFP Safeguarding CL-5678-RPT-004 V1.1 22 July 2021, Letter in response to London Southend Airport (LSA) 13 May 2021, Southend Airport Safeguarding Report v1.0 July 2021, - Internal Daylight, Sunlight, and Overshadowing Report V1 March 2021, - Mineral Assessment 2930-4-1-001 Rev P2 8 January 2021, - Noise Assessment 2007190-02 March 2021, Acoustician's Letter 4 May 2021, Acoustician's Email 21 May 2021, Noise Assessment Addendum 2007190-07 7 July 2021, Technical note on Noise and Thermal Comfort 2007190-08 22 July 2021, Thermal Comfort Analysis Issue 4 20 July 2021, - Planning Statement March 2021, - Statement of Community Involvement March 2021, - Transport Assessment 2007190-03 March 2021, Travel Plan 2007190-04 Rev A March 2021, - Utilities Assessment 15 March 2021, - Viability Statement March 2021
Recommendation:	<p>Members are recommended to <u>DELEGATE</u> to the Interim Director of Planning, Growth and Housing or the Head of Planning & Building Control to <u>GRANT PLANNING PERMISSION</u> subject to <u>CONDITIONS</u> following the completion of a <u>LEGAL AGREEMENT</u> under section 106 of the Town and Country Planning Act 1990 (as amended)</p>

TABLE OF ADDITIONAL ABBREVIATIONS	
AOD	Above Ordnance Datum
AVO	Acoustics Ventilation and Overheating
BMVAL	Best and Most Versatile Agricultural Land
DCC	Development Control Committee
ECC	Essex County Council
EDG	Essex Design Guide
EH	Environmental Health
EIA	Environment Impact Assessment

HDT	Housing Delivery Test
HELAA	Housing and Employment Land Availability Assessment
HRA	Habitats Regulation Assessment
LEAP	Local Equipped Area of Play
LLFA	Lead Local Flooding Authority
LPA	Local Planning Authority
LSA	London Southend Airport
LVIA	Landscape Visual Impact Assessment
MGB	Metropolitan Green Belt
PPA	Planning Performance Agreement
PROW	Public Right of Way
RCS	Rochford District Council Core Strategy
RDC	Rochford District Council
RDMP	Rochford District Council Development Management Plan
SAM	Scheduled Ancient Monument
SBC	Southend-on-Sea Borough Council
SESHMA	South Essex Strategic Housing Market Assessment
SO	Screening Opinion
S-o-S	Southend-on-Sea
SuDS	Sustainable Drainage Systems
TRO	Traffic Regulation Order
WHO	World Health Organisation
ZOI	Zone of Influence
5YHLS	Five-Year Housing Land Supply

1 Site and Surroundings

- 1.1 The application site is located on the eastern side of Fossetts Way, immediately to the north of the B&Q store. The site is an undeveloped field, some 5.9 hectares in area, covered mainly in grass or low vegetation and contains an attenuation pond to the north and two smaller ponds to the south-east. There are two existing vehicular access points from Fossetts Way. The main part of the site is located within the administrative area of Southend-on-Sea (“S-o-S”) Borough Council (“SBC”). A small part of the site to the north, an area of some 0.6 hectares which includes the land around the attenuation pond, is within the administrative area of Rochford District Council (“RDC”). The site lies within Flood Zone 1, the lower probability zone.
- 1.2 To the immediate north and east of the site are areas of protected green space and areas of the Best and Most Versatile Agricultural Land (“BMVAL”). That area is also designated Metropolitan Green Belt (“MGB”) with the northern part of the site, the land around the attenuation pond, being within it. The area where the site is located is shown as an industrial/employment area within the Key Diagram of the S-o-S Core Strategy document. To the south of the site is the Fossetts Retail Park which contains uses mainly within Use Class E, including a supermarket, a gym and a DIY store. Garon Park Cricket Ground and Golf Complex is to the east and Trinity Football Club is to the south-east. At the south-eastern and eastern boundary of the site is a Public Right of Way (“PROW”), footpath 178 which starts from Eastern Avenue to the south, leading generally north-eastwards to meet FP257, then to the boundary of SBC with RDC where it continues as FP 14 in Sutton. To the south-west of the site, approximately 75m from

the nearest boundary point, is the Prittlewell Camp Scheduled Ancient Monument (“SAM”).

- 1.3 A Development Brief has been produced for the land to the west of the application site. For that area, a planning application under reference 20/00337/OUTM for 145 residential units is pending consideration. Further west a hybrid planning application is pending determination under application reference 17/00733/FULM for the relocation of the Southend United Football Club and associated development including up to 1,461 dwellings and 1,880 sqm of commercial and community use floorspace.

2 The Proposal

- 2.1 Full planning permission is sought for the provision of 221no. residential units (Use Class C3) with associated works for the provision of highways, pedestrian and cycle paths, car parking facilities, a Local Equipped Area of Play (“LEAP”), landscaping and other associated infrastructure. It is proposed to construct a four-storey block to provide 32no. flats and erect 189no. dwellinghouses. The dwellinghouses would be volumetric housing, a type of modular construction, and would comprise a mixture in scale of two, two and a half (second floor is accommodated within the loft space) and three storeys.
- 2.2 Volumetric modular units are large building elements that can be linked together to form complete buildings without the need for an additional superstructure. Modules manufactured by the applicant are steel-based and are pre-fitted with electrics, plumbing, heating, doors, windows and internal finishes. Volumetric modules are commissioned prior to leaving the factory in order to correct any defects and for quality control. The units are then transported to the site and craned into position on prepared foundations.
- 2.3 The proposal would utilise the existing accesses off Fossetts Way and would result in nine urban blocks in a tightly knit grid with the main roads on site running on a north-south direction. The block of flats and the LEAP would be located centrally to the proposed layout. The houses would be provided mainly in pairs of semi-detached and terraces. A density of approximately 37.5 dwellings per hectare would be achieved. The western, south-eastern and north parts of the site would be used in association with Sustainable Drainage Systems (“SuDS”) infrastructure.

Table 1: Proposed Housing Mix

Type of unit	Quantum	Percentage
Flat - 1 bedroom	8	3.62%
Flat - 2 bedrooms	16	Total 2 bed
House - 2 bedrooms	67	37.56%
Flat - 3 bedrooms	8	Total 3 bed
House - 3 bedrooms	74	37.10%
House - 4 bedrooms	48	21.72%
Total	221	100.00%

- 2.4 The proposed housing mix is shown on Table 1 above. All residential units are proposed to be provided in some form of affordable housing tenure. All residential units would comply with building regulation M4 (2) as a minimum while 24no. of the proposed flats are shown to comply with building regulation M4 (3).

- 2.5 The proposed block of flats, approximately 20m deep by 46m wide, would have a generally rectangular layout with some articulation. The maximum height of its flat roof would be 13.2m. It is proposed to use a combination of red and buff brick with brick detailing on the walls, grey uPVC on windows and doors and grey coping on the edge of the roof. Parking facilities for up to 32 cars would be provided to the south of the proposed block. An outbuilding within the parking area measuring 7.2m wide, 6.1m deep and up to 3.2m high would be erected to provide bin storage facilities and 24 cycle parking spaces. The parking area would be laid with PCC Block Paviour Alpha Flow (porous). To the rear of the proposed block there would be a rain garden, a SuDS feature which would also be used as a communal amenity space.
- 2.6 The proposed dwellinghouses would be variations of five house types. All house types would have a width of some 5m while the depth would vary between 9.5m and 11m. The eaves height for the three-storey properties would be 8.5m and for the rest would be 5.8m. The ridge height would vary, depending on the roof style and number of storeys, between 6.9m and 11.5m. The proposed materials include either brick or render as the main facing material with additional brick detailing, concrete tiles or slate on the roof, grey windows, Verona-style doors in mixed colours, black uPVC rainwater goods and grey uPVC fascia and soffit. Boundaries would be a mix of close board timber fence at 1.8m high to more private areas and brick boundary walls to more publicly visible areas. The boundaries of some plots would be higher to accord with the recommendations of the submitted Noise Impact Assessment. At least two parking spaces for each dwellinghouse would be provided in designated areas near each dwelling. The parking spaces would be laid with PCC Block Paviour of different types while paths to main entrances would be laid with concrete paving.
- 2.7 To facilitate the development, five trees of small or moderate size (less than 7m in height) located near the eastern boundary of the site would be removed. A soft landscaping masterplan has been submitted to demonstrate that 145 new trees would be planted throughout the site, along with the planting of hedges, shrubs and other planting. The hard surfaced areas within the site will include BITMAC vehicular, pedestrian and porous tarmac to be laid to adoptable standards. Some areas intended for adoption by SBC Highways, particularly around the LEAP, would be treated with PCC Block Paviour Omega. The proposed LEAP, approximately 810 sqm in area, would accommodate two timber seating benches and a circular tree seat, five items of formal play equipment and areas of informal play, such as play boulders, feature timber poles and stepping logs, and it would be enclosed with 0.45m high timber knee rail on three sides and a hedge to the north. The highest part of the development would be at 35.50m AOD (Above Ordnance Datum).
- 2.8 During the course of the application, the design of the proposal was slightly amended to consider comments from consultees. The same application was submitted to RDC for their determination in line with the relevant statutory requirements. RDC has resolved to devolve powers to SBC to deal with the determination of the application submitted to them.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 2 below:

Table 2: Relevant Planning History

Reference	Description	Outcome
02/00070/FUL (the "2004 Permission")	Lay out access road with roundabout at junction onto Fossetts Way, erect DIY retail warehouse (14, 808 sqm.) with builders' yard, garden centre, parking for 585 cars at front and service yard and sub-station at rear.	Appeal Allowed [28.04.2004]
21/00127/RSE	Residential development comprising up to 225 units including parking access, landscaping and other associated works (Request for Screening Opinion)	Not EIA Development [17.02.2021]

- 3.2 The current proposal has been the subject of two pre-application enquiries. Furthermore, a Planning Performance Agreement ("PPA") has been agreed between the applicant and SBC as the Local Planning Authority ("LPA"). The PPA does not guarantee the grant of planning permission but akin to a project management tool it is used voluntarily between LPAs and applicants to agree timescales, actions and resources for handling particular applications.
- 3.3 The applicant has advised that an application for an Environmental Impact Assessment ("EIA") Screening Opinion ("SO") has been submitted to RDC at the same time as the EIA SO application was submitted to SBC. However, there is no evidence that RDC ever registered the EIA SO application or that a SO was issued. However, SBC as the LPA determining this application has already issued a SO and has concluded that the proposal is not for EIA development.
- 3.4 The 2004 Permission was granted subject to a legal agreement. In this legal agreement part of the application site is shown as a restricted area in which certain uses, including use for residential purposes, were excluded. It is noted that a Restricted Area Release Certificate (attached) to allow residential development was completed after the Cabinet agreed an Informal Development Brief for the site to the west which is considered for development under the application referenced 20/00337/OUTM (former NHS site). Legal advice was sought and confirmed that the SBC's Development Control Committee ("DCC") has sufficient authority to allow the release of the restriction in relation to the application site through the S106 agreement that is currently at advanced stages of negotiation with the applicant.

4 Representation Summary

Public Consultation SBC

- 4.1 Sixty-four (64) neighbouring properties were consulted, site notices were displayed, and a public notice was published in the local press. No representations have been received.

Public Consultation RDC

- 4.2 RDC carried out its own separate consultation process informing local residents in their District, displaying the relevant notices and notifying their consultees, including services of Essex County Council ("ECC"). Comments from one (1) interested party have been received and are summarised as follows:

- Loss of trees and vegetation has already taken place.
- Wildlife habitat loss.

- Overdevelopment.
- Lack of infrastructure.
- Concerns of water drainage from site into overgrown ditches.
- Contamination of watercourses from runoff water from road and parking areas.
- The scale of the development is unsuitable for the rural environment.

Sutton Parish Council

4.3 Object – Comments summarised as follows:

- Overdevelopment.
- No plan to deal with contaminated water runoff from roads and parking areas before it ends up in the pond.
- No highways improvements are proposed to alleviate the extra traffic on the local network.

Air Quality Specialist (SBC)

4.4 No objections – The methodology applied for the submitted Air Quality Assessment is robust and the conclusions are acceptable.

Anglian Water

4.5 No objections – There is capacity in the sewer network to accommodate the development. Informatives are suggested.

Conservation Association Western Seaboard (CAWS)

4.6 Object – Very well designed except for the massive four-storey apartment block which is too high and its grey colour is like a prison block. Very good that is 100% affordable housing. There is a need for primary school places in the area. Provision of other facilities would have been expected for a new community. Renewable sources of energy must be insisted upon. Electric charging points should be provided.

Design Officer (SBC)

4.7 No objections subject to conditions regarding material product details including samples for brick and render to check they are complimentary, detailing including brick decoration, window surround, balconies, porches, cycle and bin store, and landscaping and boundaries. Comments from the design officer informed the design of the scheme and its amendments during the course of the application. Some areas of concern were highlighted in the latest consultation response:

- Whilst there is no objection to this there is a concern that some of the streets are rather dominated by forecourt parking and have limited tree cover.
- The location of the large cycle and bin store which is proposed in a very prominent location within the forecourt parking area adjacent to the public open space is a concern. Details have been provided and include a green wall facing the park however it will still be a dominant and incongruous addition to this area and appear out of place in the wider streetscene.
- The use of four main materials would be excessive.

ECC Specialist Archaeological Advice

4.8 No objections subject to conditions regarding a programme of archaeological investigation.

Education Department (SBC)

- 4.9 No objections and no contributions are sought given the scheme is for 100% affordable housing.

Environmental Health (SBC)

- 4.10 Object – Noise and poor thermal comfort present a risk to public health.

- The protection measures required for the protection of occupants from road traffic noise in accordance with BS8233 will fail as the Thermal Comfort Analysis relies on windows being open in the daytime at certain times in the year for an unspecified time on each day. This presents a risk to public health from noise.
- The protection of occupants in bedrooms from noise at the B&Q delivery site relies on windows being closed. In certain predicted conditions this in turn relies on the windows being open during the day which may compromise internal noise levels as stated. This removes the choice of occupants to open windows at night if they are uncomfortable.
- The risk assessment indicates no exceedances of pollutants over the area. It recommends taking verification samples of garden areas as the sampling density was insufficient. There are also three rounds of ground gas monitoring to be performed. Conditions should be imposed.
- The report also includes an unexploded ordnance report by 1ST Line Defence that recommends a further detailed UXO assessment for which a condition should be imposed.

Essex Police Designing Out Crime

- 4.11 No objections – Further engagement with the team would be welcomed. The communal cycle parking facility could create the potential for crime.

Fire Safety Officer

- 4.12 No objections.

Highways

- 4.13 No objections subject to conditions and planning obligations – Funding for Traffic Regulation Orders (“TRO”) (£4,000.00), improved connectivity to footpath 178 (£10,000), conditions for travel plan/ travel pack, construction management plan, electric vehicle charging points should be considered.

- The proposed access is suitable.
- The layout ensures that pedestrians and vehicles can move freely and refuse freighters and emergency vehicles can access the site.
- The parking provision is policy compliant.
- The roads will be adopted if constructed to the approved standards and a speed limit of 20 mph will be imposed.
- The applicant will need to fund the Traffic Regulation Orders for the 20-mph zone and yellow lines so that junctions are not blocked.
- Stage 1 and 2 road safety audits are needed.
- The proposal would not have a detrimental effect on the local network on its own or cumulatively according to modelling carried out by SBC’s consultants.
- At worst case scenario, the local highway network capacity is within level of service E which indicates that there would still exist some capacity in the network.

Historic England

- 4.14 No objections subject to the adoption of the SAM Management Plan by Orion and

appropriate planning obligations.

- The proposed development would result in less than substantial, yet significant, harm to the significance of the SAM and its setting.
- The implementation of the SAM Management Plan by Orion would result in public benefit and the applicant's commitment to it is welcomed.

Housing (SBC)

4.15 No objections – the proposed affordable housing provision is greatly needed in S-o-S.

Lead Local Flood Authority (“LLFA”) (ECC)

4.16 No objection subject to conditions to require a detailed surface water drainage scheme of the site, a scheme to minimise risk of offsite surface water run-off and groundwater during construction, a maintenance plan, the keeping of yearly logs for maintenance.

LLFA (SBC)

4.17 No objection subject to conditions in relation to additional details and alternative approach, including, in relation to greenfield runoff rates, storage calculations, pollution treatment, maintenance and adoption.

London Southend Airport (LSA)

4.18 No objections subject to conditions regarding crane operating height limited at 48.5m.

Natural England

4.19 No objections subject to the completion of the Habitats Regulation Assessment (“HRA”) and consideration of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (“RAMS”) – additional information for ecology and biodiversity are required.

Network Rail

4.20 No objections.

Parks

4.21 No objections subject to condition that the recommendations in the ecological report should be implemented in full.

RDC Arboricultural Officer

4.22 No objection – The submitted tree protection plan and method statement are acceptable. Essex Highways may have an issue with the proposed no-dig construction in the root plate of trees marked for protection.

S106 and Community Infrastructure Levy (“CIL”) Officer (SBC)

4.23 No objections subject to release of previous restrictions imposed by legal agreement to the 2004 Permission.

Southend Museums Service – Curator of Archaeology (SBC)

4.24 No objections subject to conditions for a watching brief, the submission of a written scheme of investigations to outline the archaeological works and where the finds and the paper archive would be deposited.

Sport England

4.25 Object – There is no sufficient provision of sports facilities to meet the needs of future

residents. A financial contribution should be made in lieu of such provision.

[Officer comment: No projects have been identified by SBC's Parks service which could benefit from funding via a planning obligation on this application.]

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021).
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021).
- 5.3 National Housing Standards (2015)
- 5.4 S-o-S Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space), CP8 (Dwelling Provision).
- 5.5 S-o-S Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix), DM8 (Residential Standards), DM11 (Employment Areas), DM14 (Environmental Protection), DM15 (Sustainable Transport Choices).
- 5.6 RDC Core Strategy ("RCS") (2011): Policies H1 (The Efficient Use of Land for Housing), H5 (Dwelling Types), H6 (Lifetime Homes), CP1 (Design), ENV1 (Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites), ENV3 (Flood Risk), ENV4 (Sustainable Drainage Systems (SUDS)), ENV5 (Air Quality), ENV8 (On-Site Renewable and Low Carbon Energy Generation), ENV9 (Code for Sustainable Homes) ENV11 (Contamination), T1 (Highways), T3 (Public Transport), T8 (Parking Standards)
- 5.7 RDC Development Management Plan ("RDMP") (2014): Policies DM1 (Design of New Developments), DM2 (Density of New Developments), DM4 (Habitable Floorspace for New Developments), DM5 (Light Pollution), DM25 (Trees and Woodlands), DM27 (Species and Habitat Protection), DM28 (Sustainable Drainage Systems (SUDS)), DM29 (Air Quality), DM30 (Parking Standards), DM31 (Traffic Management).
- 5.8 Essex Design Guide ("EDG") (2021)
- 5.9 S-o-S Design & Townscape Guide (2009).
- 5.10 S-o-S Technical Housing Standards Policy Transition Statement (2015)
- 5.11 RDC Supplementary Planning Document 2 – Housing Design (2007).
- 5.12 RDC Supplementary Planning Document 7 – Design, Landscaping and Access Statements (2007).
- 5.13 RDC Parking Standards Design and Good Practice Supplementary Planning Document (2010).

- 5.14 S-o-S Vehicle Crossing Policy & Application Guidance (2021)
- 5.15 S-o-S Waste Storage, Collection and Management Guide for New Developments (2019).
- 5.16 S-o-S Planning Obligations: A Guide to Section 106 and Developer Contributions (2015)
- 5.17 S-o-S Interim Affordable Housing Policy (2016)
- 5.18 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.19 S-o-S Community Infrastructure Levy (CIL) Charging Schedule (2015).

6 Planning Considerations

- 6.1 The main considerations in relation to this application include the principle of the development, the proposed dwelling mix, impact on heritage, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, ecology and mitigation for impact on designated sites, developer contributions and CIL liability.

7 Appraisal

Principle of Development

Loss of employment land

- 7.1 Paragraph 122 of the NPPF state: “Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in the plan...prior to updating the plan, applications for alternative uses of the land should be supported, where the proposed use would contribute to meeting an unmet need or development in the area.”
- 7.2 Policy KP1 of the S-o-S Core Strategy directs growth towards Priority Urban Areas which include areas identified in the Key Diagram as employment areas. Policy CP1 of the same document states: “Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.”
- 7.3 Whilst the locality of the site is identified as a part of a broad and general area for industrial/employment uses within the S-o-S Core Strategy Key Diagram, it was not specifically allocated for employment purposes in the Proposals Map of the S-o-S Development Management Document.
- 7.4 The S-o-S Housing and Employment Land Availability Assessment (“HELAA”)

(December 2018) states that the site could be developed for housing, employment or a mixed-use scheme. It was previously excluded from consideration as a housing site because it was considered to be a more appropriate location for employment uses and the landowner had promoted it as such. However, no proposal for employment use has come forward for more than ten years. The HELAA considers the site reasonably well connected to the existing residential built-up area.

- 7.5 It is considered that in this instance the possibility of bringing the site into an employment use is low particularly given the current trend of low demand for employment land due to Covid-19 and the homeworking arrangements that are becoming the new norm for many. Given that the site is proposed to be developed to meet the significant need for housing in S-o-S, the proposal would contribute to the objective of regeneration of the local economy in other ways, including through the economic activity from future residents in the area, and the loss of employment land is not objected to.

Provision of housing

- 7.6 Paragraph 119 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."
- 7.7 Paragraph 121 of the NPPF states: "Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them." Furthermore, the NPPF requires development to boost the supply of housing by delivering a wide choice of high-quality homes.
- 7.8 Given the proposed housing will be delivered within the administrative boundary of SBC, RDC's position on housing is not discussed as it carries limited weight in the assessment of this application. For SBC, the latest plan-based housing figures are included in the S-o-S Core Strategy. However, this document is more than fourteen years old, pre-dating the NPPF, and as such SBC's policy related to the number of homes required to be delivered in S-o-S is out-of-date. Accordingly, the Standard Method (December 2020) applies. This increases the annual housing need of S-o-S to 1,181 homes from the level of 325 dwellings per annum stated in S-o-S Core Strategy Policy CP8, representing a 263% increase and highlighting the pressing need for housing within S-o-S. The Addendum to the South Essex Strategic Housing Market Assessment ("SESHMA") (May 2017) identified a similar level of housing need.
- 7.9 The Government's latest Housing Delivery Test ("HDT") Results (January 2021) also show that S-o-S delivered 36% of its total housing requirement between 2017-2020, thereby triggering the presumption in favour of sustainable development under paragraph 11 of the NPPF (Para. 11). Only two LPAs in England have a lower HDT Result – Eastbourne (29%) and Epsom and Ewell (34%). Similarly, the SBC's Five-Year Housing Land Supply ("5YHLS") figure shows that there is a deficit in housing land supply in S-o-S. The latest available figure stands at 2.55 years' worth. Together, this demonstrates a pressing need for housing delivery within S-o-S. The SESHMA identifies that S-o-S has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. The SESHMA also identifies a great need for affordable housing in S-o-S.

- 7.10 The results of the SBC's HDT and 5YHLS position weigh in favour of the proposed affordable housing scheme which in this instance, given its scale would make a significant contribution towards the provision of housing for the area. A considerable number of new family dwellings would also be provided by the development, which is an additional consideration in favour of the scheme. Unless significant conflict with other key areas of the NPPF is identified, the tilted balance in favour of sustainable development should be applied.

Loss of Best and Most Versatile Agricultural Land

- 7.11 Annex 2 of the NPPF defines BMVAL as Land in grades 1, 2 and 3a of the Agricultural Land Classification. Paragraphs 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the BMVAL. Paragraph 175 and footnote 58 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 7.12 The application was submitted with an Agricultural Land Quality report. It states that 1.6 hectares (32%), or potentially 3.3 hectares (66%), of the application site is land within subgrade 3a with the rest in subgrade 3b. The report suggests that the prevalence of BMVAL in Southend, would render the loss of a maximum 3.3 hectares as not being significant. It is also concluded in the report that the land is currently underused hence the economic consequences are not significant.
- 7.13 It is considered that the loss of BMVAL is a negative of the scheme that would need to be balanced against the provision of housing and other benefits of the proposal. Given the position of SBC in terms of its 5YHLS and HDT, it is considered that the development of agricultural land is demonstrated to be necessary. Furthermore, it has already been accepted through adopted policy in the S-o-S Core Strategy, policy KP1 that some form of development will take place on this site. On this basis, the loss of BMVAL is not considered to justify the refusal of the proposal in the circumstances of this case.

Impact on the Metropolitan Green Belt

- 7.14 The part of the site which is located within the MGB would remain undeveloped. As already stated in the description of the proposal, the northern part of the site which includes the attenuation pond and its surrounding land is the only part of the site that falls within the designated MGB. Other than some proposed planting at the southern edge of this part of the site and potential improvements to the drainage system as a result of the detailed design of the SuDS, no works or additional functionality are proposed within the MGB. The resulting development would not result in inappropriate development.
- 7.15 In the round, the proposed development is acceptable in principle. Other material planning considerations are discussed in the following sections of the report.

Dwelling Mix

- 7.16 Policy H5 of the RCS seeks a mixture of dwelling types to meet the housing needs of different groups. Policy DM7 of the S-o-S Development Management Document states

that all major residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand.

- 7.17 The relevant dwelling mix required by policy DM7, the mix suggested in the SESHMA update of 2017 and the mix proposed by this application are shown on the table below:

Table 3: Preferred and Proposed Housing Mix

Dwelling size: No. bedrooms	1-bed	2-bed	3-bed	4-bed	Total
Preferred Market Housing mix DM7	9%	22%	49%	20%	100%
Preferred Affordable Housing mix (20% or 30% of total) DM7	16%	43%	37%	4%	100%
Preferred Market Housing mix SESHMA 2017	18%	30%	35%	17%	100%
Proposed mix (percentage)	3.62%	37.56%	37.10%	21.72%	100%
Proposed mix (number of units)	8	83	82	48	221
Required affordable housing (at 30% of 221 proposed dwellings)	11	29	25	3	68
Proposed Affordable Rent units	8	36	35	11	90
Proposed Shared Ownership units	0	47	47	37	131

- 7.18 The dwelling mix proposed would provide a mixture of smaller and larger units. Although not exactly in accordance with the figure in policy DM7 or the SESHMA, the proposed mix would be acceptable. Moreover, despite the under-provision of affordable one-bed units, the proposal would considerably exceed policy compliance in terms of affordable housing provision with a satisfactory mix in tenure and size. SBC's Housing team raised no objection to the proposal.
- 7.19 The proposed dwelling mix would meet the housing needs of different groups. The proposal is acceptable and policy compliant in the above regard.

Impact on heritage

- 7.20 The site is located in the vicinity of Prittlewell Camp SAM (Scheduled Ancient Monument). Special attention should be paid to the desirability of preserving or enhancing the significance of the heritage asset. The List Entry for the SAM on Historic England's website states that the SAM is recognised as a slight univallate hillfort, a circular enclosure on a hilltop, of the later Bronze Age or Early Iron Age. The SAM occupies an area with extensive views over the valley of the River Roach. The SAM is of substantial archaeological significance for the prehistoric and medieval eras. Despite ploughing and damping of materials, the hillfort remains largely intact.
- 7.21 The proposed development would disrupt eastward views from the SAM. The vistas from the SAM are part of its significance as a hillfort, however, both the applicant's assessment and the consultation response from Historic England conclude that the proposed development and the resulting disruption of eastward views from the SAM

would result in less than substantial harm to its significance, albeit they differ in how significant that harm would be. It is considered that the resulting less than substantial harm would be significant.

- 7.22 Paragraph 202 of the NPPF states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (...)”. According to the PPG¹ public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 7.23 The applicant has confirmed that they are prepared to enter into a legal agreement to support financially and through the transfer of land under their control the implementation of the SAM Archaeological Conservation Management Plan (July 2020) drafted by Orion and submitted to SBC in support of the application at the site to the north of the SAM (former NHS site). The plan has been costed by SBC’s Parks service who are likely to take on its management and implementation. It is understood that the plan is accepted by all developers in the area surrounding the SAM and an agreement to apportion the costs of implementing it based on the number of dwellings has been reached between them. On this basis, the applicant offers to contribute 12% of the estimated costs. The applicant also controls the land to the east of the SAM where an existing green lane is proposed to be improved and also land within the SAM. Both parcels of land are offered in order to facilitate the implementation of the management plan.
- 7.24 It is accepted that the delivery of the SAM Management Plan would result, according to Historic England, in significant improvements to the SAM and enhance its significance. On its own, this is a substantial public benefit which is considered sufficient to outweigh the identified less than substantial harm. Other considerable public benefits also flow from the proposal including the provision of affordable housing (in relation to the social pillar of sustainable development); the economic activity that would be generated during the construction phase and later with the occupation of the proposed units offers additional public benefits (in relation to the economic pillar of sustainable development). In terms of environmental benefit, it is also accepted that modern modular building techniques, as proposed here, result in less waste and use of natural resources. In the round, the identified public benefits of the proposal would demonstrably outweigh the identified harm.
- 7.25 Given the potential for archaeological significance of the area, archaeological investigation would be required prior to the commencement of the development. If necessary, a watching brief and follow up works may also be required. Appropriate conditions are recommended.
- 7.26 Overall, the impact of the proposal on heritage assets would be acceptable subject to conditions and planning obligations.

Design and Impact on the Character of the Area

¹ Paragraph: 020 Reference ID: 18a-020-20190723, Revision date: 23 07 2019

- 7.27 Good design is a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the S-o-S Core Strategy and also in Policy DM1 of the S-o-S Development Management Document. RDC's policies CP1 of the RCS and DM1 of RDMP stipulate similarly high design standards. The S-o-S Design and Townscape Guide also states that: "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments." The NDG and the EDG offer further insight into assessing and achieving high quality design.
- 7.28 Paragraph 126 of the NPPF states that: "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- 7.29 Policy DM1 of the S-o-S Development Management Document states that all development should: "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 7.30 Policy KP2 of the S-o-S Core Strategy states that new development should: "respect the character and scale of the existing neighbourhood where appropriate". Policy CP4 of the S-o-S Core Strategy requires that development proposals should: "maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development".
- 7.31 Policy DM1 of the RDMP sets out that the design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity. The S-o-S Design and Townscape Guide states that: "The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant [...] the easiest option is to draw reference from the surrounding buildings."
- 7.32 The NDG advises that modular homes improve quality through factory production and minimise on-site construction time. Similarly, the EDG states that there are a number of benefits of modular construction which would help deliver high quality and sustainable development and these include:
- Speed of construction – offsite construction within controlled conditions would help deliver new schools quicker, minimising disruption to the school site and teaching environment.
 - Consistent high quality – the process is governed by quality controls and testing within an offsite environment removing a number of snagging and construction issues normally found onsite.
 - Skilled workforce – offsite housing is a growing industry which is not adversely affected by potential shortages in the skilled labour market or the wider construction industry.
 - Flexibility – modular constructions can be assembled and disassembled for relocation, refurbishment and re-use.

- Cost reduction.
- Reduced waste – factory production brings about design consistencies to minimise the waste of components.
- Environmentally friendly – the reduced time on actual building sites provides a less intrusive environment for surrounding businesses, households and road networks.
- Addressing context- modular buildings can be finished and clad to reflect the context in which they are located. Roof form, fenestration, elevation details and materials can be specified to meet any planning or design requirements of the school site.

Layout

- 7.33 The proposed layout is very efficient, comprising nine urban blocks laid in a legible and connected way, resulting in a moderate density. The urban blocks all have an outward outlook, with the private amenity areas concentrated to their rear. This has allowed for opportunities of countryside vistas from the properties and active frontages around the development. The main street views within the site terminate in active building frontages. The proposed layout would result in good permeability.
- 7.34 It is noted that in order to achieve a more efficient use of land, certain parts of the street have lost opportunities for softer appearance and are rather dominated by parking areas. This is a less positive feature of the scheme. Furthermore, the proposed provision of a cycle and waste storage outbuilding to the front of the proposed block of flats to some extent, interrupts the urban grain in that locality and it too is a less positive aspect of the scheme.

Form and scale

- 7.35 Modular designs could be perceived as potentially flat and characterless, but in this instance the proposed dwellings along with the proposed block of flats would provide acceptable articulation and detail. The proposed pitched roofs, some with gables to the front and other to the side, provide for a distinctive neighbourhood. The proposed scale is mainly in line with other development in the vicinity and the principles of the development brief adopted by SBC for the neighbouring site. Being between two and four storeys, the proposed development would respect the scale of neighbouring buildings.

Appearance

- 7.36 The brickwork decoration and feature projecting window framing enliven the building frontages and are a positive feature of the design. The brickwork banding to the ground floors of some of the houses and the flatted block adds interest at ground floor level. Together with the matching brickwork and the use of grey metal for all projecting features, including bays, the window surrounds and balconies, give the scheme a satisfactory cohesion in visual terms.
- 7.37 The proposed balcony details along the proposed materials for the block of flats, result in an architecturally cohesive appearance. In response to the concern about the position of the outbuilding, it is noted that the applicant suggested the treatment of the roof and rear wall with plants. However, this is not sufficient to eliminate all the visual harm identified. Moreover, screening by plants would not be a permanent solution to mitigate visual harm. Nevertheless, the limited harm from that outbuilding should be weighed against the benefits of the scheme in light of the tilted balance and it is not considered

that it would justify the refusal of the application on this ground.

Materials

- 7.38 The proposed materials include three types of facing brick and light mint render. The Design Officer's comments are noted in relation to the use of four main materials being excessive, but they are considered to add enough variation to the proposed buildings on site. The proposed use of materials would assist the development appearing as an integrated scheme. Given the proposed combinations of materials, samples of the brickwork should be required and a condition to this effect is recommended.

Landscaping

- 7.39 The proposed block paving onto the roads surrounding the central public open space will give the impression of a large open space and would create a focal point for the scheme. The proposed raingarden to the rear of the flats would be an attractive setting and green pedestrian route to the north. The proposed landscaping to the north side of the car park around the sitting out areas in addition to that on the south boundary, the boundary between the car parking area and the proposed LEAP, will provide an effective green buffer between the amenity area of the ground floor flats and the LEAP, respectively, with the parking area.
- 7.40 Overall, the provision of soft landscaping is positive. However, as highlighted, in certain areas, the opportunities for tree-lined streets have not been taken to enable a more effective use of land. This gives rise to a reliance on forecourt parking in front of dwellings with some, but limited, landscaping to soften and/ or mitigate the visual impact of parked vehicles and hardsurfaces. Landscaping is proposed in belts behind such areas plus to the sides of grouped bays. This is not a strong point of the proposal's design, but the limited harm caused should be weighed against the overall benefits of the scheme in light of the tilted balance. It is not considered that the identified harm would justify the refusal of the application on this specific ground.
- 7.41 The proposal would result in the loss of five existing trees. Nine trees or groups would be protected during the course of the construction of the proposed development and retained. In addition, 145 new trees would be planted. The loss of these existing trees is not considered to be significant or significantly harmful.
- 7.42 The proposed hard landscaping including the boundary treatment is considered appropriate for the proposed scheme. The east north and west boundaries of the site should not be treated in order to maintain a sense of openness and this can be secured by condition.

Landscape Visual Impact Assessment

- 7.43 The application has been submitted with a Landscape Visual Impact Assessment ("LVIA"). It is concluded in the LVIA that there would be a minor adverse effect on tranquillity of the surrounding area. The local landscape conditions would initially undergo a moderate adverse effect, but this would reduce to minor a beneficial effect subject to the planting carried out on site maturing and establishing.
- 7.44 Given the greenfield nature of the site, it is expected that any development on this land would have some impact on the local landscape conditions. The identified effects on the

local landscape are not harmful to such a degree as to warrant the refusal of the application on that basis. Despite the reduction in tranquillity, the longer-term benefits along with the other significant benefits of the proposal would not warrant the refusal of the application in this instance.

- 7.45 Overall, despite some limited negative aspects of the proposal as discussed in the previous paragraphs, its design and impact on the character and appearance of the area is acceptable. The proposed development is, on balance, acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 7.46 Delivering high quality homes is a key objective of the NPPF and is reflected in policy DM8 of the S-o-S Development Management Document. Policy DM3 of the same document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.

NDSS

- 7.47 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. All proposed residential units would meet or exceed the NDSS in terms of overall size, bedroom areas and width and internal storage space.

Daylight, Sunlight and Outlook

- 7.48 The application was submitted with a daylight and sunlight assessment. Overall, the results for the houses and apartment block within the site show that good levels of daylight and sunlight would be enjoyed for when assessed on the basis of an urban area. 98% of the habitable rooms assessed will enjoy daylight levels above the recommendation for their room type and 100% of all rooms will enjoy light to over 50% of their room area.
- 7.49 The assessment states that the 2% of rooms which fall short of the daylight criteria relate to two Living/Kitchen/Dining rooms, which are located on the ground floor of the apartment block beneath a projecting balcony in the centre of the elevation. The assessment advises that the rooms fail the relevant criteria by only 0.1% which is not considered to be a significant or unacceptable shortfall in daylight.
- 7.50 Those rooms which fall short of the BRE guidelines in terms of sunlight do so primarily in the winter months only, with their annual levels of sunlight exceeding the BRE guidelines criteria. Only a small part of the development will not enjoy at least 2 hours of sunlight to over 50% of their garden throughout the year which is in accordance with the BRE guidelines.

Amenity provision

- 7.51 In relation to the provision of amenity space Policy DM8 of the S-o-S Development

Management Document states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."

- 7.52 Adequate and sufficiently private amenity space would be provided for the dwellings. The private amenity areas proposed would be between 32 and 91 sqm. Although adequate for the needs of future occupiers, the proposed amenity spaces are relatively small to accommodate any extensions or outbuildings erected under the provisions of householder permitted development rights and on this basis a condition is recommended to restrict them. The provision of balconies for the proposed flats is also acceptable. The proposed balconies range between 3.7 and 6.9 sqm. The proposal includes the provision of the communal raingardens to the rear of the block of flats measuring some 500 sqm in area and the provision of the LEAP at the centre of the development which would be approximately 830 sqm. Along with access at the swale areas to the southeast and west of the site, it is considered that an acceptable level of communal amenity areas would be provided. A condition to require the raingardens and the LEAP areas to be available for use by all members of the public is recommended.

Overlooking

- 7.53 The layout of the site has been designed to avoid major conflict in terms of overlooking. The proposed properties would maintain sufficient back-to-back and back to side distances from each other to ensure that there would not be a materially harmful effect on the living conditions of future occupiers in terms of overlooking. Some properties would feature side windows which would serve non habitable rooms. A condition to secure an obscure glazing strategy for the scheme is recommended and subject to such a condition the proposal would be acceptable in this regard.

Accessibility and adaptability

- 7.54 Policy DM8 of the S-o-S Development Management Document requires all new built dwellings to comply with the requirements of building regulation M4 (2). On major development schemes the policy requires 10% of the proposed dwellings to comply with building regulation M4 (3). The proposed scheme is considered to be able to be policy compliant as all dwellings would benefit from step-free access and appear to have adaptable spaces. 24 units, in excess of 10% of the units in the scheme, would be M4 (3) compliant. Compliance with building regulations M4 (2) and (3) is suggested to be secured by condition. The accessibility and adaptability of the proposed dwelling is considered acceptable.

Noise and disturbance, and thermal comfort

- 7.55 The application site adjoins the service yard of the retail unit to the south and it is exposed to traffic noise from Fossetts Way to the west. The applicant's noise impact assessment has identified that 84 properties near the western and southern boundary of the site would be impacted to some degree by noise. Within the submitted Noise Impact Assessment, its addendum and the Technical Note on Noise and Thermal Comfort, the applicant describes that to attenuate against significant harm from noise, windows will need to remain closed and alternative ventilation, such as trickle vents,

should be provided to properties near the southern and western boundary of the site. Enhanced glazing and ventilation are suggested for a number of properties near the western boundary of the site. It is proposed to erect a 4m high close boarded timber fence on the southern boundary of the site and a 2.1m close boarded timber fence is proposed around the amenity areas of certain dwellings near the western boundary of the site. Noise levels from proposed uses in the vicinity of the site, such as the proposed football stadium and training pitches to the west, which have been taken into account would not negatively impact the proposal according to the findings of the Noise Impact Assessment.

- 7.56 It is accepted by all parties that the proposed measures would result in acceptable noise levels in the private amenity space of the proposed dwellings. With the exception of six dwellings, the expected noise levels for all proposed dwellings' amenity space would comply with the standards contained in British Standard BS8233. The non-compliance (three dwellings) or partial compliance (three dwellings) of the remaining dwellings is not considered to result in a significant impact on the residential amenity of future occupiers.
- 7.57 The applicant submitted a Thermal Comfort Analysis which found that the greatest possibility of overheating is within the dwellings to the west of the site due to the acoustic concerns limiting night-time window openings and low angle sunlight to the west in the evening. It was also found that southerly and westerly facing rooms would experience more incidents of overheating due to higher exposure to solar gains in the evening. Instances of overheating and therefore a need to open windows would likely occur between May and October with more instances expected during the warmer months of July and August.
- 7.58 In the applicant's Technical Note, it is recommended that windows should be side hung with a maximum opening angle of 45°, solar control glazing with a g-value of 0.30 should be provided and background ventilation, such as trickle vents, should be installed. Subject to these measures, thermal comfort could be achieved and would allow all windows to be shut between 11pm and 8am. In the applicant's analysis it is assumed that thermal comfort can be achieved in line with the relevant guidance if windows are opened during the daytime when external temperatures are greater than 22°C and when they do not exceed 26°C and internal doors are kept open during the day to encourage cross ventilation.
- 7.59 The relationship between noise and thermal comfort have been the subject of extensive correspondence between the applicant and SBC's Environmental Health ("EH") service.

SBC EH's position

- 7.60 In their latest consultation responses, SBC EH highlighted that they have become aware over the last year that at the Cole House, Kenway development, where planning conditions require windows to be closed, the residents are now suffering a noise nuisance from the railway and thermal discomfort because the alternative means of ventilation and cooling is inadequate. SBC EH advised that in view of that other development and looking at this application on its own merits, they object to the application on the grounds of noise and poor thermal comfort presenting a risk to public health.
- 7.61 SBC EH advised that there are conflicts between noise protection measures for traffic on Fossetts Way and deliveries at night at B&Q and maintaining thermal comfort for

occupiers of the proposed homes. Whilst they accept that the proposed noise mitigation measures would be sufficient to deal with noise, SBC EH advised that closed windows would have an impact on the thermal comfort of future occupiers. They disagree that the applicant applied the correct criteria to assess thermal comfort included in the technical documents referenced in the Acoustics Ventilation and Overheating (“AVO”) Residential Design Guide dated January 2020 by the Institute of Acoustics and the Acoustics and Noise Consultants. Their technical disagreement relates to what is the maximum temperature for thermal comfort and what is the maximum percentage of time that temperatures in properties can exceed the maximum temperature before the instances of thermal discomfort are detrimental to the living conditions of future occupiers. They also disagree that the AVO can be taken as authoritative guidance.

- 7.62 SBC EH stated that measures required for the protection of future occupants from road traffic noise will fail as the applicant’s Thermal Comfort Analysis relies on windows being open in the daytime at certain times in the year for an unspecified time on each day. Moreover, the protection of future occupants in bedrooms from noise coming from the B&Q delivery site relies on windows being closed while in certain predicted conditions thermal comfort in turn relies on the windows being open during the day which may compromise internal noise levels. This issue, according to SBC EH, will possibly remove the choice of future occupants to open windows at night if they are uncomfortable with the temperature.
- 7.63 In SBC EH’s view, because of the unpredictability of noise and temperature and the balance that is required between the two, a margin of error should exist in order to have a degree of certainty so that confidence in a scheme and its impact on human health can be shown. In this situation, these margins do not exist and in addition there will have to be a degree of compromise on either excessive noise or excessive temperature. SBC EH advised that because of the concerns discussed above they cannot recommend any conditions which would address their objection to the scheme.

The applicant’s position

- 7.64 The applicant’s view is that with the proposed noise mitigation measures and thermal comfort strategy, the impact on the living conditions of future occupiers would be limited and would relate to a defined number of properties for only a small part of the year. When they were first made aware of the issues raised by SBC EH, the applicant advised that mechanical ventilation would be considered but later in the process confirmed that this would not be possible with their product houses because the steel frame construction of the module would not allow for the necessary ducting to be installed at the factory or be retrofitted on site.
- 7.65 The applicant highlighted that during normal conditions, (i.e., not during overheating conditions), windows should be closed, but not sealed shut, and with alternative means of ventilation (i.e., trickle ventilation), internal noise levels within dwellings during the daytime and night-time would not exceed the criteria of British Standard BS8233 and would achieve thermal comfort for future occupiers. Any excess in noise levels would only occur during overheating conditions, which have been assessed in accordance with AVO guidance. The guidance acknowledges that under such circumstances it is appropriate to strike a balance and that slightly elevated internal noise levels can be justified.
- 7.66 The applicant’s responded that AVO Design Guide is a peer reviewed document that

represents the current best practice and reflects the more holistic/ joined up approach required by planning policy. In response to the SBC EH's comments, the applicant advised that in their view the correct assessment methodology was used but even if the criterion advocated for by SBC EH were to be applied, appropriate thermal comfort would still be achieved. The applicant firmly believes that their assessments demonstrate that suitable internal noise levels are achieved whilst maintaining thermal comfort for all dwellings on site.

- 7.67 The applicant has highlighted that planning policy recognises that there needs to be a balance between potentially conflicting issues and that no particular issue should be viewed in isolation. This site is not unique in facing these challenges and that the noise levels are not particularly high at Fossetts Way. The purpose of the AVO guidance is to demonstrate that a balance can be achieved between thermal comfort and internal noise levels. The applicant's assessment is based on AVO guidance which outlines criteria for which this balance can be achieved, without a material change in behaviour occurring. Whilst accepting that temperatures and noise levels are unpredictable, the applicant claims that through measuring, modelling and developing their strategy, they have demonstrated that there is a balance that has been struck between the two aspects of the design where expectations in line with the appropriate industry guidance have been met for both considerations.

Conclusion on Noise and disturbance and thermal comfort

- 7.68 From the available information, it is understood that while 84 properties have been identified to be exposed to increased noise levels, with the mitigation against that exposure increasing the possibility of incidents of overheating, in reality the properties where the conflict between noise and thermal comfort is more likely to materialise in overheating conditions or increased internal noise levels are 24 properties facing the western boundary of the site. Within these 24 properties, exposure to internal noise levels that would exceed the relevant standards will occur when windows have to be opened and this is expected to happen only during daytime and on a limited number of days the warmer months of the year. When overheating conditions occur and windows would be open, future occupiers would have the opportunity to use their private amenity space if necessary. Furthermore, the installation of blinds by future occupiers will allow them additional control over the situation.
- 7.69 In the submitted documents it is stated that during overheating conditions, which may occur on some days between May and October each year, when the windows would need to be open, the plots impacted from the traffic noise to the west, would be subject to an internal noise level of some 45dB LT. This level of noise could potentially reduce in the mid-term future as traffic will get slower on Fossetts Way due to the presence of more development in the area and in the long-term future due to changes in transportation technology and the Government's declared aim for electrification of cars. British Standard BS8233 requires that internal noise levels are between 35 dB LAeq and 40 dB LAeq – depending on the type of the room – during the daytime. The World Health Organisation ("WHO") guidance advises that internal noise levels should not exceed 42dBA. The experienced noise levels in the conditions described previously would exceed the noise levels of both the British Standard and the WHO. The AVO Residential Design Guide states that a holistic approach between noise and thermal comfort needs to be taken. In the AVO it is stated that during the daytime, noise levels below 35dB are not expected to cause a material change in behaviour whilst noise levels above 50dB are. The level of noise that would be experienced during overheating

conditions by the proposed dwellings on the western boundary of the site would be below this level. The AVO also goes on to explain that unless these noise conditions are prevalent for most of the time, then limited behavioural change is likely because the noise is expected. The impact on the southern boundary properties is of negligible nature.

- 7.70 A balanced judgement is called for. The identified harm is not substantial. The private amenity areas of the affected dwellings would offer acceptable acoustic conditions and the possibility of impact on health and material change in behaviour is low. The acoustic environment in the area is not unique and many residential properties exist within areas of the borough with higher ambient noise levels. The example used by SBC EH appears to involve a suspected breach of condition and is adjacent to the rail line where noise of higher level and different tonal elements is experienced by nearby receptors. Furthermore, in that case the windows were required to be shut, removing the option of occupiers to manage the two issues.
- 7.71 The modular form of construction is central to the viability of this entirely affordable housing-based scheme and is considered to carry weight in that balance. It is considered that the proposal, on balance, would provide acceptable living conditions in the above regards. The mitigation measures proposed can be secured by conditions.

Land contamination

- 7.72 Subject to conditions to require additional investigations and additional supervision for unexploded ordnance risk, the proposal would not be unacceptable in terms of land contamination risk.

Light pollution

- 7.73 The submitted information indicates that although glow in the night sky would not be avoided, light pollution would be reasonably limited.

Air Quality

- 7.74 The air quality assessment has found that there would be only negligible impact from the development.

Utilities

- 7.75 The applicant has provided a utilities assessment. In this it is stated that connections to gas, electricity, potable water and telecommunications networks are achievable. Anglian Water confirmed in their response that the sewage network would have capacity to accommodate the proposed development.
- 7.76 Paragraph 114 of the NPPF states: “Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning (...) decisions should support the expansion of electronic communications networks, including (...) full fibre broadband connections.”
- 7.77 Given the increasing importance of accessing the internet with reliable and fast connections, it is considered that the submitted strategy for connecting to the fibre network, as contained in the utilities strategy, should be required to be implemented

prior to the first occupation of the proposed dwelling and an appropriate condition is recommended.

- 7.78 Overall, it is considered that the proposal, on balance, would not result in substandard accommodation for future occupiers and would not be detrimental to their living conditions. The proposal is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.79 Policies DM1 and DM3 of the S-o-S Development Management Document, CP4 of the S-o-S Core Strategy and DM1 of the RDMP refer to the impact of development on neighbouring residential 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. Policy DM1 of the S-o-S Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."

- 7.80 The site is significantly removed from any existing, adjoining residential developments and as such the proposal is unlikely to result in any harm in this respect in terms of dominance, an overbearing impact, loss of light and outlook, a material sense of enclosure or overlooking and loss of privacy. The development as designed would not undermine any potential development of nearby sites in the above regards.

- 7.81 The proposal is acceptable and policy compliant in the above regards.

Traffic and Transportation Issues

- 7.82 Paragraph 110 of the NPPF states: "In assessing...specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

- 7.83 Paragraph 111 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 7.84 Policy DM15 of the S-o-S 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.'

Sustainable Transport

- 7.85 The Transport Statement notes that there is a bus stop on Fossetts Way which connects the site to the town centre once every hour. The site is also some 30 minutes' walk from Prittlewell train station. A range of shops and services is located to the south of the site. There is a cycle route on Fossetts Way to the west of the site and footpaths to the east and west.
- 7.86 The site is considered to be in a relatively sustainable location. The development provides opportunities for alternative transport other than the private car. The application has also been submitted with a Travel Plan which seeks to support more sustainable forms of travel and reduce the overall need to travel. It includes measures such as providing cycle parking, promoting and encouraging alternative transport modes, promoting car sharing, encouraging walking, cycling and public transport. Implementation and maintenance of the Travel Plan can be secured via a planning condition and a monitoring fee can be agreed with the legal agreement. A £10,000.00 contribution towards improved connectivity to footpath 178 is also proposed to be secured by the legal agreement. The connectivity will be achieved on the eastern boundary of the site where at least two options have been shown on the submitted plans. The final details will be agreed with SBC's highways department.

Access

- 7.87 SBC's Highways engineer advised that vehicular access from the existing points on Fossetts Way would be acceptable. Prior to adoption of the highways network a Stage 1 and 2 safety audit would be required to ensure that collisions are avoided. These would be outside the planning remit and will be dealt by SBC's Highways service prior to the adoption of the highway network.

Highway Network

- 7.88 The Transport Statement (TS) submitted with the application uses the TRICS database to determine likely levels of traffic generated by the development. ARCADY and VISSIM models were also used to estimate the cumulative effect of this development along with the other development sites on Fossetts Way. The estimated worst-case scenario would result in a network flow capacity E which means that there is space capacity in the local network. The majority of the highway network within the site would be constructed to SBC's adoptable standards for highways. A condition to secure that construction is carried out to that standard is recommended. A £4,000.00 contribution towards TROs for junction safety improvement measures and a 20-mph zone within the site is proposed to be secured by the legal agreement.

Parking

- 7.89 Policy DM15 of the S-o-S Development Management Document states 'All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.'
- 7.90 The adopted parking standards require a minimum of one parking space per dwelling for flats and a minimum of two parking spaces for dwellings with more than two bedrooms. The parking standards also require a minimum of one cycle parking space

per unit. The proposed car parking areas and car park management strategy would secure a car parking provision that meets the Council's standard. The applicant has also offered to future proof the proposed car parking spaces with passive electric vehicle charging point provision so that electric charging points can be installed when demand requires. An appropriately worded condition to secure this is recommended.

- 7.91 Policy compliant cycle parking provision for the flats would be provided within the proposed outbuilding to the front of the flats. Whilst the Essex Policy Designing Out Crime team raised a concern about the potential for crime from this aspect of the proposal, it is considered that the proposed cycle parking would be sufficiently secured and, in an area, where there would be natural supervision from flats and the users of the LEAP. No covered or secure cycle parking spaces are shown for the dwellings. It is accepted that sufficient space exists to accommodate a policy compliant position and details can be secured by condition as recommended.

Construction Method Statement

- 7.92 Highways have recommended a condition is imposed on any grant of permission requiring the submission of a construction method statement. Given the nature and scale of the proposal, a construction method statement is considered necessary and can be secured with a planning condition.
- 7.93 Subject to conditions and a S106 legal agreement to secure the required contributions, the highways and parking considerations are acceptable and policy compliant.

Refuse and Recycling Storage

- 7.94 It is stated that the proposed dwellinghouses would be served by the SBC's sack collection scheme. Access for waste freighters is satisfactory as well as maximum distances to carry the sacks. The proposed bin storage area for the block of flats is in line with the relevant guidance. A condition is recommended to secure the provision of those facilities. Subject to conditions, the proposal would be acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 7.95 Policy KP2 of the S-o-S Core Strategy requires that: "at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)". Policy DM2 of the S-o-S Development Management Document states that: "to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.96 The submitted proposals are supported by an Energy and Sustainability Statement which is intended to support and explain how the scheme responds to the requirements of local planning policy and requirements by Building Regulations. The applicant's statement fails to acknowledge that there is a specific policy requirement from SBC for 10% of predicted energy needs of the development to come from using on-site renewable technologies. The Energy and Sustainability Statement has taken a different approach to SBC's core strategy stating that the applicants wish to take a fabric first

approach to achieve a 9.6% energy saving and 8.6% CO2 savings from the building regulation baseline

- 7.97 No information has been provided regarding proposed renewable energy to demonstrate how the proposal would meet the 10% SBC policy requirement. Whilst the fabric first approach discussed in the sustainability statement would deliver betterment when compared to the building regulations, it would not meet the policy requirement. No provision of renewable energy sources on site would be a significant conflict with the local policy. The applicant's submission identified that air source heat pumps and solar photovoltaics are potential sources of renewable energy. Notwithstanding the merits of the applicant's fabric first approach and as there is scope for renewable energy sources to be accommodated within the development, provided any such externally mounted technologies respect the character and appearance of the area, a condition is recommended to secure 10% of the energy needs of the proposed scheme through renewable technologies in order to comply with the relevant SBC policy. It is considered that the requirement for restrictions on water usage can also be controlled with a condition.
- 7.98 In terms of other sustainability benefits, the EDG recognises that modular housing should be encouraged as it will minimise waste in the construction phase. The NDG also accepts that modular housing can minimise on-site construction time which normally is disruptive to local natural and anthropocentric environment. This is an added benefit of the proposal.
- 7.99 Subject to conditions, the sustainability of the proposal in terms of water and energy use is considered to be acceptable and policy compliant in this regard.

Flood Risk and surface water drainage

- 7.100 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed surface drainage strategy is accepted by SBC's LLFA (Lead Local Flood Authority) subject to conditions. Although ECC LLFA has raised a holding objection, the two consultees have raised similar issues. It is considered that conditions would be sufficient to deal with the issues raised by the LLFAs. Subject to such conditions, the development would be acceptable and policy compliant in these regards.

Impact on Natural Environment, Biodiversity and Ecology - HRA - Essex Coast RAMS

- 7.101 Paragraph 174 of the NPPF states that: "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 (...) recognising the intrinsic character and beauty of the countryside (...) minimising impacts on and providing net gains for biodiversity (...)".
- 7.102 Paragraph 180 of the NPPF states: "When determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (...) opportunities to incorporate biodiversity improvements in and around developments should be

encouraged, especially where this can secure measurable net gains for biodiversity and enhance public access to nature where this is appropriate.”

- 7.103 According to the submitted Extended Phase 1 Habitat Survey, the site is a species poor, semi-improved grassland of negligible ecological value. The site is not subject to any statutory designations but is within the Zone of Influence (“Zol”) and as such could have indirect and in-combination impact on the Essex Estuaries Special Areas of Conservation (SAC) and the Foulness Special Protection Area (SPA).
- 7.104 Following previous ecological work, it was suspected that newts and reptiles are present on the application site. The detailed newts and reptiles report was submitted during the course of the application and confirmed that great crested newts were present, but no evidence of reptiles was found. The newt populations were found near the ponds on site but the use of the rest of the site for foraging could not be excluded. To ensure that no harm or injury occurs to any newts during the development of the site, mitigation through a translocation and exclusion exercise is proposed. Any amphibians caught would be released near the ponds which were previously the mitigation area for other development in the vicinity.
- 7.105 Subject to such exercise being undertaken prior to any site clearance or preparation works, the proposed development would have a negligible effect on protected species. Further biodiversity enhancements are proposed through a community orchard (planting of orchard tree species throughout the site), a wildflower meadow (wildflower species planted throughout the site), and SuDS with native aquatic and emergent plants.

HRA – Essex Coast RAMS

- 7.106 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast RAMS. It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The Essex Coast RAMS SPD, which was adopted by Full Council on 29 October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.
- 7.107 The applicant has agreed to include the relevant tariff within the legal agreement covering other obligations. Subject to such a legal agreement and the mitigation measures discussed in the Newts and Reptiles Report, the development would offer suitable mitigation for its direct and in-combination effect of the net increase of 221no. dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Planning Obligations

- 7.108 Paragraph 57 of the NPPF states that: “Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.”

7.109 S-o-S Core Strategy Policy KP3 states that in order to help the delivery of the Plan’s provisions, SBC will, among others, 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 affordable housing and educational facilities.

7.110 Similarly, Policy CP6 of the same document states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected. The policy stipulates that this will be achieved by, among others, supporting improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies.

7.111 Paragraph 58 of the NPPF states that: “Where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment... the weight given to a viability assessment is a matter for the decision maker having regards to all the circumstances in the case, including... any change in site circumstances since the plan was brought into force.”

Affordable Housing

7.112 Paragraph 63 of the NPPF states that where a need for affordable housing is identified, it should be expected to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

7.113 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy Policy CP8 which states that the Borough Council will enter into negotiations with developers to ensure that all residential proposals of more than 50 dwellings or more than 2 hectares in area make an affordable housing or key worker provision of not less than 30% of the total number of units on site.

7.114 In this case, the proposal is for 100% affordable housing provision which will be secured with a legal agreement. This provision is in excess of the minimum requirement and as it is secured in a legally binding way, appropriate weight should be given when considering the planning balance to determine the application. It should be noted that the financial viability of the submitted scheme was tested by an independently appointed consultant (Dixon Searle Partnership) who confirmed that the scheme is viable.

7.115 Subject to the completion of the legal agreement, the proposal would contribute towards affordable housing in S-o-S in excess of policy requirements and would be acceptable in this regard.

Highways

7.116 As discussed in the relevant section of the report, contributions including £4,000.00 for the TROs, £10,000.00 for improved connectivity to footpath 178 and £5,000.00 for monitoring of the travel plan would be necessary to mitigate the impact of the

development. The applicant has agreed to include these contributions in the draft legal agreement under S.106.

RAMS

- 7.117 As discussed in the relevant section of the report, a contribution towards the Essex Coast RAMS would be required to mitigate the effects of the development on designated sites. The applicant agreed that the RAMS contribution can be included within a S.106 Agreement.

Release from the 2004 restriction

- 7.118 As discussed in the planning history section, the northern part of the application site is shown as a restricted area in the legal agreement for the 2004 Permission. In line with the legal advice sought, the DCC has sufficient authority to allow the release of the restriction in relation to the application site through the S106 agreement. Appropriate wording is proposed to be added to the S.106 agreement.

SAM Management

- 7.119 In the relevant section of the report, it was discussed that the applicant has offered to contribute land and a proportion of 12% of the costs required for the implementation of the SAM Archaeological Conservation Management Plan (2020) drafted by Orion. Appropriate wording would be added to the S106 agreement.

- 7.120 The Section 106 contributions required are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contributions that are set out above the development could not be considered acceptable. Unless the S106 agreement has been completed within a reasonable timescale the application should be refused on this ground.

Education

- 7.121 Contributions towards primary education are collected via CIL. As per precedent from previous development in S-o-S and elsewhere in the country, an education contribution is not requested for any affordable housing that would be delivered on site. In this case, because all proposed units would be in an affordable housing tenure, no contribution towards education has been sought.

Sports facilities

- 7.122 Sport England advised that according to their calculator a financial contribution in the region of £210,000 to offset future need for sports facilities generated by the development would be needed for this proposal. However, it should be noted that the Sport England's calculator does not necessarily relate to the local needs. No projects have been identified by the Council's Parks team that would be funded by a contribution from this development. As such a planning obligation for this contribution would fail to meet the three tests and particularly it would fail to be directly related to the development and its impacts. If a contribution were to be insisted upon, it is possible that the monies would either be spent on infrastructure that would not be relevant to the scheme, contrary to policy, or monies would not be spent and in either case, the applicant could

ask for their monies back.

Community Infrastructure Levy (CIL)

7.123 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 20,6900.3 sqm, which may equate to a CIL charge of approximately £529982.31 (subject to confirmation). 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 and the completion of a S106 agreement, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant local and national policies and guidance. The proposal is acceptable in principle and provides an appropriate dwelling mix. Subject to conditions and planning obligations, it would have an acceptable impact on the character and appearance of the area, the significance of the SAM and the living conditions of future occupiers. This judgement recognises and balances less positive matters assessed and outlined in the report. The proposal would also have an acceptable impact on the amenities of neighbouring occupiers, the highway and parking conditions in the area and would be acceptable in relation to waste management. Conditions ensure the proposed development is acceptable in terms of drainage and energy and water sustainability. Suitable mitigation for its in-combination effects to protected ecology and designated sites would be offered.

8.2 This proposal creates a significant amount of new affordable housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it is necessary to demonstrate that in reaching a decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a significant deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a significant contribution to the housing needs of this Borough which must be given increased weight in the planning balance. This application is recommended for approval subject to conditions and the completion of the relevant S106 legal agreement.

9 Recommendation

9.1 **Members are recommended to:**

(a) **DELEGATE to the Interim Director of Planning, Growth and Housing or the Head of Planning & Building Control to GRANT PLANNING PERMISSION subject to the following conditions and following the completion of a LEGAL AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended)**

to secure the provision of:

- Residential use through the release of restrictions imposed in the S106 agreement dated 8 January 2004.
- 221 dwellings for affordable housing.
- £4,000.00 for junction improvement and traffic calming Traffic Regulation Orders.
- £10,000.00 for improved connectivity the site to footpath 178 from the eastern boundary.
- £5,000.00 for monitoring of the travel plan.
- Essex RAMS payment of £28,133.30 to mitigate the potential disturbance to European designated sites.
- Land in control of the applicant and 12% of the costs associated with the implementation of the Prittlewell Camp Scheduled Ancient Monument Archaeological Conservation Management Plan (July 2020) prepared by Orion.
- The relevant costs for the monitoring of the S106 agreement.

- (b) The Interim Director of Planning, Growth and Housing or the Head of Planning & Building Control be authorised to determine the application upon completion of the above agreement, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

General Conditions

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: PL01, PL02, PL03 Rev B, PL04, PL05 Rev A, PL07, PL08 Rev A, PL12 Rev A, PL15, PL17 Rev B, PL17 Rev A, PL20, PL21 Rev A, PL22 Rev A, PL23 Rev A, PL24 Rev A, PL25 Rev A, PL26, PL27 Rev A, PL30 Rev A, PL31 Rev B, PL35 Rev A, PL36, DR-5000 Rev P10, DR-5001 Rev P3, DR-5002 Rev P3, DR-5003 Rev P3, DR-5004 Rev P3, DR-5005 Rev P3, DR-5006 Rev P3, DR-5007 Rev P3, DR-5008 Rev P3, DR-5100 Rev P4, DR-5500 Rev P1, DR-5700 Rev P3, S38 Street Lighting Design, Private Street Lighting Design.

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

Impact on heritage related conditions

- 03 No development or preliminary groundworks of any kind shall take place unless and until an archaeological written scheme of investigation for a programme of archaeological work including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered for any works has been submitted by the applicant to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council

as the minority Local Planning Authority under the provisions of this condition. The approved archaeological written scheme of investigation / watching brief and measures shall be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by a suitably qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the majority Local Planning Authority before the development is first brought into use.

Reason: A pre-commencement condition is justified to allow the preservation by record of archaeological deposits and to provide an opportunity for a watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

Design and related conditions

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development above ground floor slab level shall take place, unless and until full details and specifications, including samples of bricks, of the materials to be used for all the external surfaces of the proposed buildings at the site, including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies, have been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The works must then be carried out in full accordance with the approved details before the dwellings hereby approved are first occupied.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 05 Notwithstanding the information submitted and details shown on the plans submitted and otherwise hereby approved, no construction or site preparation works shall take place on site unless and until details of the levels of the proposed buildings, adjoining land and any changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The highest part of the development or any apparatus shall not exceed 48.5m AOD at any time during construction or after the completion of the development. The development shall be implemented in full accordance with the details approved

under this condition before it is first occupied or brought into use.

Reason: This pre-commencement condition is required in the interest of visual amenity of the area and safety of air traffic in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3, DM5 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 06 No site preparation or development of any kind shall take place on the site unless and until tree protection measures have been implemented on site in line with the submitted Arboricultural Impact Assessment & Method Statement 2930-5-4-002 Rev P1 dated 17 June 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition). The tree protection measures shall be fully installed before the commencement of works and maintained throughout construction. The development shall be implemented in full accordance with the approved scheme, measures and methods.**

Reason: This pre-commencement condition is justified in the interest of the visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 07 Within the first available planting season (October to March inclusive) following the first use of each phase of the development hereby approved, the relevant part of the soft landscaping scheme contained within the approved plans DR-5000 Rev P10, DR-5001 Rev P3, DR-5002 Rev P3, DR-5003 Rev P3, DR-5004 Rev P3, DR-5005 Rev P3, DR-5006 Rev P3, DR-5007 Rev P3, DR-5008 Rev P3, DR-5100 Rev P4, DR-5500 Rev P1 and DR-5700 Rev P3 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition), shall be implemented, completed and maintained thereafter in full accordance with the approved details.**

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope

of this planning condition.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 08** The use of each phase of the development hereby approved shall not commence until and unless the relevant part of the hard landscaping scheme contained in the approved plans PL04, DR-5000 Rev P10, and DR-5100 Rev P4 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) has been carried out and implemented solely in full accordance with the approved details.

Reason: In the interest of visual amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

Living Conditions related conditions

- 09** Prior to the first use of each dwelling hereby approved, the noise mitigation and thermal comfort measures identified in the Noise Assessment 2007190-02 dated March 2021, the Acoustician's Letter dated 4 May 2021, the Acoustician's Email dated 21 May 2021, the Noise Assessment Addendum 2007190-07 dated 7 July 2021, the Technical note on Noise and Thermal Comfort 2007190-08 dated 22 July 2021 and the Thermal Comfort Analysis Issue 4 dated 20 July 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) shall be fully implemented as applicable and retained as such for the lifetime of the development.

The mitigation measures shall include alternative ventilation to be provided to properties near the southern and western boundary of the site as shown in Figure 1 of the Noise Assessment Addendum 2007190-07, enhanced glazing and ventilation as detailed in Table 4 of the Noise Assessment Addendum 2007190-07 and for the properties shown on Figure 2 of the Noise Assessment Addendum 2007190-07, a 4m high close boarded timber fence on the southern boundary of the site as shown on Figure 5-2 of the Noise Impact Assessment 2007190-02, 2.1m close boarded timber fence around the amenity areas of certain dwellings near the western boundary of the site as shown on figure 7-2 of the Noise Impact

Assessment 2007190-02, windows to be side hung with a maximum opening angle of 45° and installed with solar control glazing with a g-value of 0.30.

Reason: To mitigate the noise from highway traffic and other activities in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 10 Prior to the first use of each dwelling hereby approved, obscure glazing shall be installed in accordance with an obscure glazing strategy for the site which shall have previously been submitted and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority under the provisions of this condition.**

The submitted strategy shall include details of which plots on site and which windows on each plot would require obscure glazing. The openings that are identified as needed to be glazed in obscure glass, shall only be so with the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by the window. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015), Policies LS1 and LS2 of the London Southend Airport and Environs Joint Area Action Plan (2014), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 11 The 26no. dwellings marked as compliant with the building regulation M4(3) 'wheelchair user dwellings' standard on approved plan PL30 Rev A shall be constructed as such prior to their first occupation while all other dwellings on site shall be constructed to comply with the building regulation M4(2) 'accessible and adaptable dwellings' standard prior to their first occupation.**

Reason: To ensure the development hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the

Southend-on-Sea Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 12 The development on site shall be carried out solely in full accordance with the proposed measures included in the Geo-Environmental and Geotechnical Report ESP.7785b.3499 Rev 2 dated July 2021 (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition), including:**
- the UXO risk mitigation measures (see Appendix C for details),
 - the completion of all ground gas and groundwater level monitoring visits and production of a monitoring addendum report,
 - the supplementary geo-environmental sampling in proposed areas of gardens and landscaping in order to confirm the low risk posed by contamination,
 - the supplementary pH and sulphate testing where foundations will come into contact with the London Clay Formation,
 - the review of allowable loadings and likely settlement once the scheme design is confirmed,
 - the verification testing of any soils imported to site,
 - the WM3 assessment of soils to be disposed of off-site and materials management plan for re-use of soils on site and WM3 assessment of soils to be disposed of/re-used off-site, followed by WAC testing if disposal to landfill.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), , Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 12 Notwithstanding the provisions of Classes A and E; of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no enlargement, building or enclosure or swimming pool shall be erected on the application site without express planning permission from the Local Planning Authority (Southend-on-Sea Borough Council).**

Reason: In the interest of maintaining an appropriate quantum of development on the site particularly with respect to appropriate provision of private outdoor amenity space in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), , Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 13 The Local Equipped Area of Play, details of which are included in the approved**

plan DR-5008 Rev P3 hereby approved, shall be constructed, completed and made available for use by at least all occupiers of the application site and their visitors prior to the occupation of any dwelling hereby approved solely in accordance with the approved details (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) and shall be maintained as such thereafter for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policy DM1 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

- 14 Notwithstanding the information contained in the submitted Utilities Assessment 15 March 2021, prior to the first occupation of each dwelling, the appropriate infrastructure to facilitate superfast broadband or fibre connection to the dwelling shall have been provided and made available for use.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021) and Policy CP1 of the Southend-on-Sea Core Strategy (2007).

- 15 No external lighting shall be installed on site unless in accordance with the submitted Lighting Strategy with Outdoor Lighting Reports 16 February 2021 and approved plans S38 Street Lighting Design, Private Street Lighting Design (or in accordance with alternative details which have previously been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition) . All lighting shall be retained on site in accordance with the approved scheme and/or details for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015), Policy CP1 of the Rochford Core Strategy (2011), Policies DM1 and DM5 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007) and Southend-on-Sea Design and Townscape Guide (2009).

Highways

- 16 No dwelling shall be occupied until Southend-on-Sea Borough Council (as the majority local planning authority and highway authority) in consultation with Rochford District Council (as the minority planning Authority) have been submitted with and approved in writing a full scheme specification and

programme of works, and all relevant highways approvals, consents and agreements are in place, in relation to the following highways works: a) the internal road/highway network associated with the residential development b) details of the site access onto Fossetts Way for construction vehicles c) details of the accessibility improvements to pedestrian foot path 178 and d) details of the junction improvement safety works. The development shall thereafter be undertaken in accordance with the approved details. No dwelling shall be occupied until full connection to footpaths and cycleways adjacent to the application site is made available. The highways works described above shall be completed for each phase of the development prior to the first occupation of the relevant phase of the development hereby approved.

Reason: In the interest of highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

- 17 No development shall take place, including any site preparation or clearance works, unless and until a Construction Management Plan and Strategy has been submitted to, and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority. The approved Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:
- i) Phasing Strategy to include a programme of works, including any phasing of construction;
 - ii) Construction Traffic Strategy
 - iii) Noise and Dust Mitigation Strategies to include measures to control the emission of dust, dirt and noise during construction
 - iv) the parking of vehicles of site operatives and visitors
 - v) loading and unloading of plant and materials
 - vi) storage of plant and materials used in constructing the development
 - vii) the erection and maintenance of security hoarding
 - viii) scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
 - ix) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
 - x) details of the duration and location of any noisy activities.
 - xi) a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution

Reason: This pre-commencement condition is justified in the interest of highway safety and amenity of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

- 18 At least 221 secure and covered cycle parking spaces in convenient locations to serve the development shall be provided on site and made available for use in line with details which have previously been submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The approved cycle parking spaces for each phase of the development shall all be provided and made available for use prior to the first occupation of the relevant phase of the development. The cycle parking spaces shall thereafter be permanently maintained solely for use by occupiers of the development and their visitors.**

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policy DM30 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

- 19 At least two (2) car parking spaces for each permitted dwellinghouse and at least one (1) parking space for each permitted flat shall have been provided on site and made available for use prior to occupation of that dwelling in accordance with the details shown on drawing PL17 Rev B (or alternative details which have previously submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition). Every car parking space shall be future proofed with passive electric vehicle charging point provision, with measures such as, but not exclusively, four-way duct and draw pits to all parking bays, so that electric charging points can be installed when demand requires. The car parking spaces shall be permanently maintained solely for use by occupiers of the relevant dwelling and their visitors.**

Reason: To ensure adequate car parking and in the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policy T1 of the Rochford Core Strategy (2011), Policy DM30 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

- 20 The submitted Travel Plan 2007190-04 Rev A dated March 2021 shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. 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 Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The agreed**

adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies T1 and T3 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

- 21 Prior to the first occupation of the development, details of Residential Travel Packs shall be submitted to and approved in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition. The approved travel packs shall then be provided to the first occupiers of each dwelling within one (1) calendar month of occupation.**

Reason: In the interests of providing sustainable transport choices in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies T1 and T3 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

- 22 The submitted Car Park Management Plan 2007190-06A dated March 2021 shall be implemented and operated for the lifetime of the approved development in accordance with the terms set out in therein.**

Reason: In the interests of providing sustainable car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies T1 and T3 of the Rochford Core Strategy (2011), Policies DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

Waste management

- 23 The block of flats hereby approved shall not be brought into first use unless and until waste storage and recycling facilities have been provided on site and made available for use by occupiers of the flats in line with the details shown on the approved plan PL35 Rev A. The provision of the waste storage and recycling facilities shall be retained for the lifetime of the development.**

Reason: To ensure the provision of adequate waste, recycling and food waste storage and in the interest of visual amenity in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Southend-

on-Sea Core Strategy (2007), Policies DM1, DM3 and DM15 of the Southend-on-Sea Development Management Document (2015), Policies CP1 and T1 of the Rochford Core Strategy (2011), Policies DM1, DM30 and DM31 of the Rochford Development Management Plan and the advice contained within the National Design Guide (2021), the Rochford Supplementary Document 7 (2007), Southend-on-Sea Design and Townscape Guide (2009) and Rochford Parking Standards Design and Good Practice Supplementary Planning Document (2010).

Drainage

- 24 With regard to the Flood Risk Assessment 20106-BDC-ZZ-XX-RP-C-0001 Rev P2 dated 31 March 2021 and the email in response to the LLFA consultation dated 20 May 2021, no construction works above ground floor slab level shall take place on site unless and until detailed designs of a surface water drainage scheme has been submitted to and agreed in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority and the Lead Local Flood Authorities. The approved scheme shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- a. The use of bioretention tree pits and small raingardens to replace the use of gully systems and petrol interceptors in the roads;
 - b. A table with the greenfield runoff rates (including Q_{bar}) compared to the proposed 5.54 l/s/ha rates;
 - c. Incorporate the upstream SuDS features in the storage calculations as these will contribute to a restricted rate closer to the greenfield runoff rates. This assessment may trigger the provision of further flow controls within the site which have not been identified in the strategy (e.g. downstream of swales and permeable pavement);
 - d. In the storage calculations in Appendix H:
 - i. Cv values: a value of 1 should be used in new impermeable areas in line with ECC Design Guide. The values used should be justified.
 - ii. Catchment areas: the areas included in the calculations in Appendix H should be presented in a table for each different scenario. This table should show how the different factors (climate change, urban creep) are applied and what is the assumed area drained into the ponds from catchments outside this site. The catchment areas within the development should consider any areas positively drained (permeable and impermeable).
 - iii. Time-area diagram: the rationale for selecting different time area diagrams in the scenarios should be justified.
 - e. Aim for all the sub-catchments (especially roads where pollution hazard level is low or medium) to incorporate treatment upstream of the pond. The use of bioretention tree pits and raingardens should be considered. Catchpits and gullies will not be considered appropriate pre-treatment devices;
 - f. If any consents are required from Anglian Water or others in the connection to the existing pond;
 - g. Evidence of acceptance in principle from Anglian Water in the connection of foul water flows into the sewer;
 - h. Construction drawings, engineering layout and modelling calculations for all SuDS elements of the proposed site drainage system in line with this strategy prior to construction.

- i. A freeboard of at least 300mm for critical event of 100year plus 40 percent climate change should be provided for the pond as recommended by CIRIA SUDS manual.**
- j. Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.**
- k. Final modelling and calculations for all areas of the drainage system should be provided.**
- l. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753 should be provided.**
- m. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features should be provided.**
- n. An updated written report summarising the final strategy and highlighting any minor changes to the approved strategy should be provided.**

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

- 25 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been implemented at the development hereby approved in accordance with details previously submitted to, and agreed in writing, by Southend-on-Sea Borough Council as the majority Local Planning Authority in consultation with Rochford District Council as the minority Local Planning Authority and the Lead Local Flood Authorities. The approved management plan shall be operated for the lifetime of the development. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.**

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

- 26 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by Southend-on-Sea Borough Council and Rochford District Council as the Local Planning Authorities and the Lead Local Flood Authorities.**

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2021), Policies KP1 and KP2 of the Southend-on-Sea Core Strategy (2007).

Ecology related conditions

- 27 The development hereby approved shall be undertaken, completed and operated thereafter solely in accordance with the findings, recommendations and mitigation measures contained within the Ecological Assessment DFA21017 dated March 2021, the Newt and Reptile Report DFA21033 dated June 2021 and the Information to Inform a Habitats Regulation Assessment DFA21018 dated**

March 2021. These include obtaining a licence from Natural England in order to translocate and exclude Great Crested Newts from the development site prior to the commencement of works and the provision of biodiversity enhancements through among others, community orchards, wildflower meadows, SuDS with native aquatic and emergent plants.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2021) and Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

Energy and water sustainability

- 28 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by Southend-on-Sea Borough Council as the majority Local Planning Authority, in consultation with Rochford District Council as the minority Local Planning Authority, under the provisions of this condition and implemented on site in accordance with the agreed details.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and Policy ENV8 of the Rochford Core Strategy (2011).

- 29 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Southend-on-Sea Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.**

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and Policy ENV8 of the Rochford Core Strategy (2011).

Positive and Proactive Statement

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 obligations or other means of securing the financial contributions referred to in part (a) above have not been completed by 22 September 2021 or an extension of this time as may be agreed, the Interim Director of Planning, Growth and Housing or the Head of Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, would not provide adequate levels of affordable housing, and would not provide sufficient mitigation for its highways impacts contrary to national and local planning policy.

Informatives:

- 1 Please note that the development which is 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 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.
- 3 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.
- 4 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.
- 5 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.

- 6 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.**
- 7 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**
- 8 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.**
- 9 You are advised that any archaeological finds should be deposited with Southend Museums and you are encouraged to contact Victoria Rathmill Assistant Curator of Archaeology (tel. 01702 215687, 07823534132 and email VictoriaRathmill@southend.gov.uk) in order to confirm charges for this and other procedural matters in relation to archaeology.**
- 10 It is strongly recommended that the applicant consult the Essex Green Infrastructure Strategy to ensure that the proposals implement multifunctional green/blue features effectively. The link is: <https://www.essex.gov.uk/protecting-environment>**
- 11 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.**
- 12 Any drainage features proposed for adoption by Essex County Council should be subject of consultation with the relevant Highways Development Management Office.**
- 13 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.**
- 14 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.**