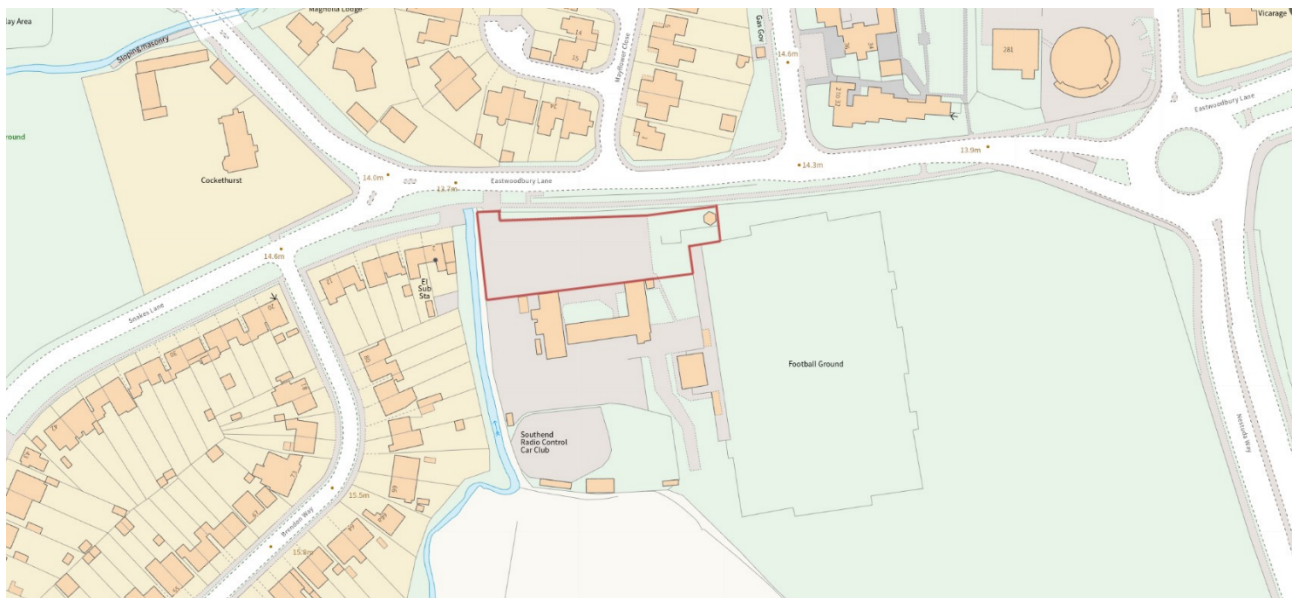


Reference:	23/00514/BC4
Application Type:	Borough Council Regulation 4
Ward:	St Laurence
Proposal:	Erect single storey timber building for use as nursery school to front of main building (Amended Proposal)
Address:	Eastwood Community Nursery, Len Forge Centre, Eastwoodbury Lane
Applicant:	Eastwood Community Playgroup Association
Agent:	Mr Trevor Masterson of Bell & Masterson
Consultation Expiry:	6th June 2023
Expiry Date:	4th August 2023
Case Officer:	Kara Elliott
Plan Nos:	Location Plan, BM001 Rev C, BM.002, Floor Plan, Façade A-F, Façade F-A, Façade 1-5, Façade 5-1, Section A-A, Foundation Plan, Wall, Roof, Floor
Supporting Documents:	Sustainability Statement, Planning Design and Access Statement April 2022, Flood Risk Assessment dated 08.03.22 Ref: WFR-FRA-2022/01/Q18, Supplementary Supporting Statement dated 06 July 2023.
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The application relates to the existing Len Forge Centre which is located south of Eastwoodbury Lane and contains the existing single storey nursery buildings and sports pitches/recreation grounds as well as a car park. There is currently a short row of conifer trees and shrubs within the site the southernmost part of which would be removed to make way for the proposed development.
- 1.2 The site is located within the Joint Area Action Plan (JAAP) area and Flood Zone 2 and is part of a designated Protected Green Space.

2 The Proposal

- 2.1 Planning permission is sought to erect a single storey detached building to provide new, replacement nursery facilities, for a facility which is currently housed within the multi-use buildings on site. The building would be located some 12m south of the site's northern boundary next to an existing external play area serving the existing nursery. The building would be some 10m wide x 6.2m deep x 3.5m high to ridge, 2.4m to eaves, constructed in timber with a simple, pitched roof design. 8 -10 fte staff would be employed.
- 2.2 This application follows a refusal of planning permission for similar development (details in the below section), the differences being that the building was previously proposed 6.7m deep and the case now in support of the application has been enhanced with additional information. The previous reason for refusal is detailed in paragraph 3.1 of this report. In summary, the previous application failed to justify loss of the designated open space.
- 2.3 In accordance with the Council's Constitution, the application comes before the Development Control Committee as the loss of designated open space represents a Departure from the Development Plan.

3 Relevant Planning History

- 3.1 22/00925/BC4 - Erect new single storey timber building for use as nursery school to front of main building - Refused 13.10.2022. Reason for refusal:
 1. The proposed development would result in loss of existing designated public open space area which are safeguarded from loss or displacement to other uses. It has not been clearly demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community. Furthermore, it has not been demonstrated that the open space is surplus to requirements and the development is not for alternative sports and recreational provision, the benefits of which would have clearly outweighed the loss of the current or former use. This is unacceptable and contrary to the National Planning Policy Framework (2021) and Policy CP7 of the Core Strategy (2007).
- 3.2 91/0204 - Additionally Use Club House as Nursery School relaxing condition 02 on Planning Permission SOS/87/0345 granted 17/06/87 restricting the use of the Clubhouse to Southend Borough Combination – Granted 17.04.1991.

4 Representation Summary

Public Consultation

- 4.1 13 neighbouring properties were notified, a press advert was posted and site notices were displayed). No letters of representation were received.

Environment Agency

- 4.2 No objection. Suggests contact regarding Environmental Permitting (England and Wales) Regulations 2016 which can be included as an informative to any positive decision.

Sport England

- 4.3 In terms of the impact on the playing field, the building would be sited on a small area of grassland between the artificial grass pitch and the adjoining the car park. This area would appear to be used at present by the nursery school as part of their play area and is partly occupied by a line of trees/shrubs that would be removed to facilitate the development. This area would not be capable of being used for playing pitches or formal sport due to the limited space available and the constraints imposed by the trees and the siting of the building would not appear to have any impact on the operation of the adjoining artificial grass pitch.

Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception: The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

4.4 Lead Local Flood Authority

No objection. Requests condition in relation to drainage.

4.5 Parks

No objection.

Highways & Parking

- 4.6 No objection.

Essex County Fire and Rescue Service

- 4.7 No objection.

School Development

- 4.8 Comment - Broadly in support of the proposal.

Environmental Health

- 4.9 No objections subject to conditions in relation to land contamination, construction/demolition management and opening hours. [Officer comment: A Construction Method Statement is subject of a proposed condition recommended at the end of this report. It is considered that conditions for contamination and hours of opening are not necessary or justified in the circumstances of this particular proposal and the site's circumstances.]

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance and National Design Guide (Rev 2021)
- 5.3 Core Strategy (2007): KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport & Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space).
- 5.4 Development Plan Document (2015): DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM14 (Environmental Protection), DM15 (Sustainable Transport Management)
- 5.5 Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.7 The London Southend Airport and Environs Joint Area Action Plan (JAAP) (2014)
- 5.8 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Appraisal

Principle of Development

- 6.1 The proposal is in line with the central principles of Policies KP2 and CP6 of the Core Strategy which seek that development supports improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies. Equally, the policies generally encourage such uses to be within existing local centres.
- 6.2 The site is within a designated Protected Green Space. Paragraph 98 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.
- 6.3 Policy CP7 of the Core Strategy states that sites designated as protected green spaces will be safeguarded from loss or displacement to other uses, except where it can clearly be demonstrated that alternative facilities of a higher standard are being provided in at least an equally convenient and accessible location to serve the same local community, and there would be no loss of amenity or environmental quality to that community.
- 6.4 Paragraph 99 of the NPPF says that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

6.5 The previous application was refused because it failed to demonstrate justification for why the proposed development should be allowed to result in the loss of existing designated public open space which is safeguarded from loss or displacement to other uses. It was not clearly demonstrated within that application that alternative facilities of a higher standard were being provided in at least an equally convenient and accessible location to serve the same local community, and that there would be no loss of amenity or environmental quality to that community. Neither was it demonstrated that the open space is surplus to requirements and that the development was for alternative sports and recreational provision, the benefits of which would have clearly outweighed the loss of the current or former use.

6.6 The current application is supported by a planning statement and a supplementary statement which contains further evidence and information on the quality and usability of the existing open space and more in-depth clarification of the needs and benefits of the development including having regard to the context of early years provision in this part of the City. In summary, the applicant explains that:

- The area on which it is proposed the new building will be located has currently no designated use other than being an area through which footballers access playing pitches;
- The proposed development would allow for an increase in the number of children attending the facility [officer comment – this would consequently result in increased employment opportunities];
- The proposed development will enable children to access a variety of indoor and outdoor experiences;
- The proposed development will enable a child-centred learning approach through play contributing to the cognitive, physical, social, and emotional, well-being of children;
- The proposed development will enable direct access to the existing designated outdoor nursery area, resulting in linked and enhanced experiences;
- Operating hours can be extended compared to the existing nursery facility (currently 7 am – 6pm) ;
- The proposed development will enable an increase in nursery capacity compared to the existing nursery facility (currently 22 places but capable of an increase to 50 places) ;
- The existing facility has to be vacated regularly due to other activities taking place within the building , reducing availability for users and their children;
- The area on which the building would be constructed on mainly contains dying conifer trees which have no amenity value;
- The development would introduce new planting/landscaping to improve the amenity value of the site;
- The building will provide increased thermal benefits compared with the existing nursery building which is dated and uncomfortable for users during extremes of weather.
- The new building will be M4 (2) compliant by providing access for disabled

persons and the ground surface will not impede wheelchairs. The building will also provide special and accessible sanitary arrangements for the staff and children to comply with these regulations which are not available in the current building used by the Nursery. Step free access will be provided between parking areas and between the building and the associated existing play area and any threshold will be considered an accessible threshold.

- New planting to the agreed density and numbers will be positioned in the existing open space areas. 18 number native species with a mixture of Broad Leaf trees and pollinators are proposed to be provided and maintained.

6.7 The supplementary statement also contains information compiled by the applicant using Southend City Council data on Early Years education capacity and vacancy focused on the St Laurence Ward in which the development is located.

6.8 Table 1: Providers in St Laurence Ward

Provider Type	Number of Providers in Ward
Day Nursery	2 (including the current Eastwood Community Nursery)
Pre-school	1
Childminders	5
School with Nursery Class	2

6.9 Table 2: Capacity by age group

Provider Type	Capacity Information
Day Nursery	Both Providers are currently at full capacity
Pre-School	Currently at full capacity
Childminders	Two of the Childminders are currently full. Two have very limited availability. One has spaces available.
School with Nursery Class	Both providers currently at full capacity

6.10 Weighing the benefits of the case made in relation to the following factors:

- The quantitative improvement of the development where it has been demonstrated that there is an unmet need for this development based on early years provision in this ward;
- The qualitative improvements which the proposal would bring compared to the existing nursery facility,
- The vacation of the existing building and the resultant increased capacity of that local community facility as a result of relocation of the nursery facilities
- The proposed qualitative improvement of green space, with additional planting within the site and surrounding protected green space;
- The nature of the open space that prevents practical recreational use of the space plus the fact that the Council's Parks Officer does not raise objection;
- Sport England do not object to the proposals and consider this area in

question would not be capable of being used for playing pitches or formal sport;

It is considered overall and on balance that whilst this development has not satisfied the criteria of NPPF paragraph 99 and policy objectives for retention of open space, taking all the above benefits into account and subject to the described conditions, the benefits of the development outweigh the of the partial loss of designated protected open in the particular circumstances of this case.

- 6.11 On this basis the principle of development is considered to be acceptable as a departure from policy and as such that the current proposal has overcome the previous reason for refusal. No conflict with the objectives of the London Southend Airport and Environs Joint Area Action Plan has been identified. Detailed material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

- 6.12 Local and national planning policies and guidance seek to ensure that new development is well designed. 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.
- 6.13 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm.
- 6.14 The proposed single storey development is modest in size, scale, bulk and height and would reflect the scale of existing development on the site. It would not result in demonstrable harm to the character and appearance of the site or the wider surrounding area.
- 6.15 Whilst the removal of the southernmost part of the short row of conifer trees and shrubs within the site is a factor to be weighed in the balance, these are not materially visible from the highway and are not considered to have any amenity value beyond within the site itself. The Council's Parks service have confirmed that this vegetation is likely to originally have been planted as a hedge line and over the passage of time they have become overgrown, too close to each other and overall are not considered worthy of a Tree Preservation Order (TPO). The proposal would not result in loss of hedging along the site's northern boundary, including forward of the proposed building. Nor would it impact vegetation on the recreation site's north western corner such that these natural features would continue to provide a soft setting for the wider site in which the proposal is to be located. The applicant has also submitted information (on the proposed site plan) confirming that 18 new broad leaf/pollinator trees are proposed as replacement for the lost trees, plus additional planting on adjacent open space all of which can be secured by condition. Noting the limited public amenity value of the existing trees and shrubs it is considered that this replacement provision would be equivalent or better landscaping provision in terms of quantity and quality in a suitable location. The Parks service, which controls the wider areas of the recreation site where this replacement planting would take place are supportive of this approach. Subject to the described condition, it is considered that the loss of, and extent of replacement landscaping for, the existing trees is acceptable.

- 6.16 Subject to conditions the proposal is found to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 6.17 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.18 There are no immediately neighbouring residential properties, the closest residential development being more than 25m away on the opposite side of Eastwoodbury Lane in Mayflower Close and the development would not harmfully impact any of the other uses at the centre such as sports pitches. It is not considered that the development would result in levels of activity or traffic harmful to residential amenity. Given its nature and distance away from the nearest dwellings, an hours of use condition is not considered to be necessary or proportionate in this instance.
- 6.19 The development is considered to be acceptable and policy compliant in the above regards.

Flood Risk

- 6.20 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The application site is within Flood Zone 2 and the proposed development, according to Annex 3: Flood risk vulnerability classification of the NPPG is classed as being 'more vulnerable'. Development of this classification within Flood Zone 2 is considered acceptable.
- 6.21 The submitted Flood Risk Assessment (FRA) recommends measures for mitigation against flood risk. A condition is recommended requiring the development to be carried out and operated in accordance with the recommendations in the FRA.
- 6.22 Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to such conditions, the development is acceptable and policy compliant in these regards.

Sustainability & Biodiversity

- 6.23 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the development, where feasible, should be provided by renewables to meet the objectives of Policy KP2.
- 6.24 Details of renewable energy technologies have not been included in the application. This requirement can be dealt with by condition.
- 6.25 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per

person per day (lpd) (110lpd when including external water consumption). This requirement can be dealt with by condition.

- 6.26 DM2(iii) seeks that new non-residential development also meets environmental standards in terms of function and impact, not just for the short term but over the lifetime of the development. The Council therefore require all non-residential developments to meet the BREEAM standard 'Very Good' as a minimum, although higher standards are encouraged. Exceptions will be considered where it can be demonstrated to the satisfaction of the Council this is not viable or feasible.
- 6.27 The submission supporting the application includes limited sustainability measures within a Sustainability Statement. The Council's preferred approach is for BREEAM standards requiring sustainability measures be addressed by designing these into the building at the earliest stages of the design, nevertheless here a condition to require that such standard is achieved can be imposed subject to which the proposal is considered to be acceptable in these regards.
- 6.28 The removal of the existing trees and shrubs will result in some loss of biodiversity. It is considered that this will be acceptably offset by the replacement planting tree and shrub that is proposed, together with enhanced biodiversity measures and which can be secured by condition.
- 6.29 Subject to the described conditions, the proposal is considered acceptable and policy compliant in the above regards.

Highways and Parking

- 6.30 The NPPF states (para 111) that "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."
- 6.31 The adopted parking standards for a nursery use are expressed as a maximum requirement of 1 space per full time staff plus waiting facilities where appropriate. The applicant states that there will be no increase in staff as a result of the development, nevertheless, if staffing were to increase, the existing large car park on site (circa 100 spaces) provides adequate parking spaces for the needs of the development without prejudicing other site users. The site is also accessible by local bus routes. Cycle parking can be secured by condition.
- 6.32 The development is not found to result in any significant parking, highway safety or traffic network impacts. Highways raise no objection The proposal is therefore considered to be acceptable and policy compliant in these regards.

Other Matters

Use

- 6.33 As the justification for loss of designated Open Space is based on the particular circumstances of this proposal and weight is also given as part of balanced assessment to the need and qualitative case set out in support of the application, it is considered to be justified and reasonable for the building's use to be restricted to a nursery as sought so that control is retained over any future proposals to change the building's use to other uses within Class E of the Use Class Order. A condition is recommended accordingly.

CIL

- 6.34 Although this application is CIL liable, in this instance the chargeable amount has been calculated on the basis of a zero rate as applicable to a registered charity use.

Equality and Diversity Issues

- 6.35 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the qualitative improvement including those enabled in respect of accessibility and the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 6.36 For the reasons outlined above in para 6.6 onwards, the proposal is found to have demonstrated a justifiable case for a departure from policy in respect of designated Open Space on the basis that, on balance, the development overall, including provision of replacement tree and shrub planting, and taking into account the need for the development and the qualitative benefits it would bring compared with the existing nursery provision in this location, the applicant has overcome the previous reason for refusal. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

7 Recommendation

7.1 GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02 The development shall be carried out in accordance with the approved plans: Location Plan, BM001 Rev C, BM.002, Floor Plan, Façade A-F, Façade F-A, Façade 1-5, Façade 5-1, Section A-A, Foundation Plan, Wall, Roof, Floor.**

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

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition and site clearance works, until details of the materials to be used in the construction of the external elevations of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved**

details before it is brought into use.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04** The development hereby approved shall be implemented in strict accordance with the findings, recommendations and conclusions of the approved Flood Risk Assessment reference WFR-FRA-2022/01/Q18 dated 8 March 2022 before the development is occupied and the development shall thereafter be used in accordance with those details and measures for its lifetime.

Reason: To ensure that users are not placed at increased risk given that the site is liable to flood in accordance with the National Planning Policy Framework (2021) and Policy KP2 of Core Strategy (2007).

- 05** The development hereby permitted shall only be occupied for purposes falling within Use Class E(f) as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To define the scope of this permission in the interests of resident amenities, environmental quality, to ensure there is sufficient parking and in the interests of highway safety further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 06** Notwithstanding the details shown in the approved plans, prior to the first use of any part of the development hereby approved, full details of refuse and recycling facilities for the development, including a waste management strategy, shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of user amenities and environmental quality further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

07 Notwithstanding the details shown in the approved plans, prior to the first use of any part of the development hereby approved, full details of drainage infrastructure, (including foul and surface water drainage infrastructure and ‘sustainable urban drainage systems’ SuDS principles) shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved details shall be provided at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: To prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with Policies KP1 and KP2 of the Core Strategy (2007), and Policy DM14 of the Development Management Document (2015).

08 Prior to the first use of the development hereby approved, full details of secure, covered cycle storage facilities shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The secure, covered cycle storage facilities shall be provided and made available for use at the site in accordance with the approved details prior to the approved development’s first use and retained for the lifetime of the development.

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

09 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place until and unless full details of both hard and soft landscape works to be carried out at the site and in the surrounding area in association with the development have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping works shall be completed prior to first use of the development and the soft landscaping works within the first planting season following first use of the development. The soft landscaping works shall include replacement shrub and tree planting, comprising of no less than 18 broadleaf/ pollinator trees to be planted within the application site and the wider area(s) of the Eastwood designated Open Space, details of the works to include specification of the area(s) in which the planting will be undertaken, the species and size of trees/ shrubs to be planted and the timescale for such provision. Details submitted for the hard and soft landscaping within the site edged red for the application hereby approved generally shall include, but not be limited to:

- i. hard surfacing materials;**
- ii. details of tree protection measures during development;**
- iii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification and maintenance strategy;**
- iv. measures to enhance biodiversity;**
- v. details of any permeable paving or other sustainable drainage measures to be implemented;**
- vi. all and any means of enclosing the site.**

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping and drainage is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 10 The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating at least “Very Good” has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority under the provisions of this condition.**

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 Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 11 Prior to first use 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 the Local Planning Authority under the terms 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 Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

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

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice contained within the Southend-on-Sea Design and Townscape Guide.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

INFORMATIVE

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

- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that the Council will 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 City.**

- 03 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:**
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506.