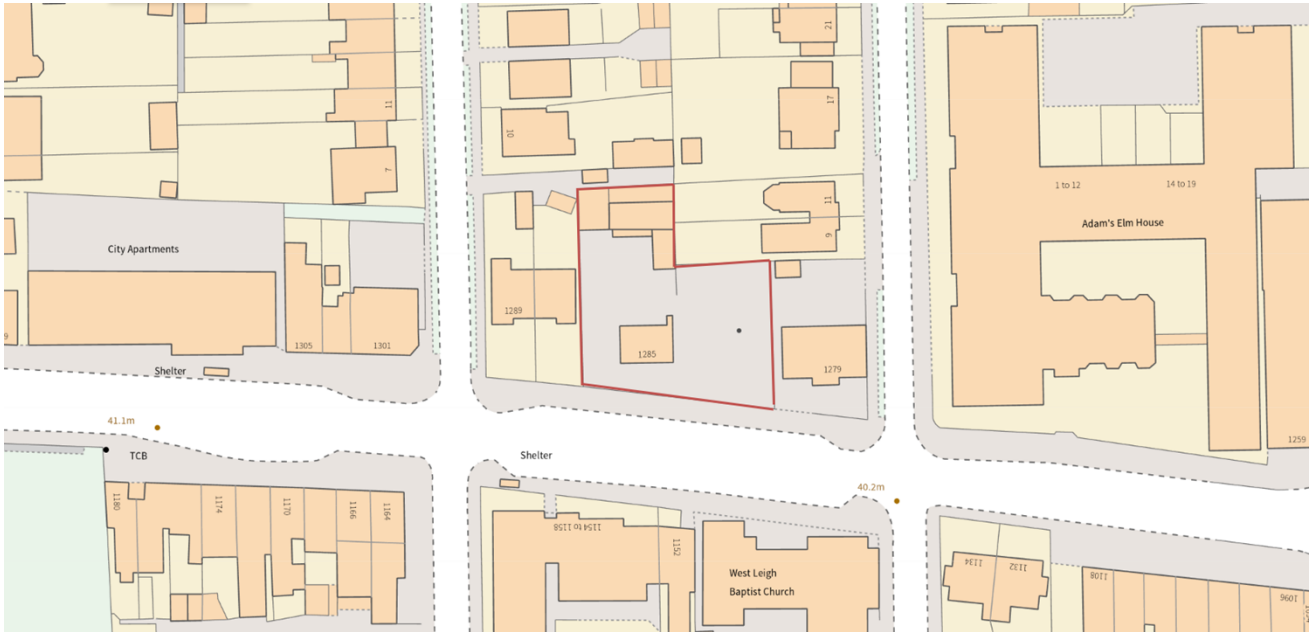


Reference:	22/01827/FULM	
Application Type:	Full Application	
Ward:	Belfairs	
Proposal:	Demolish existing buildings, erect part three/part four storey building and form 17no. self-contained flats and 1no. commercial unit, layout parking and associated landscaping	
Address:	1285 London Road, Leigh-on-Sea, Essex, SS9 2AD	
Applicant:	Carlton Group Developments	
Agent:	Mr John Ferguson of Collective Planning	
Consultation Expiry:	30.11.2023	
Expiry Date:	02.02.2024	
Case Officer:	Oliver Hart	
Plan Nos:	1222-CYA-AA-XX-DR-A-00001A; 1222-CYA-AA-ZZ-DR-A-00002A; 1222-CYA-AA-00-DR-A-00009H; 1222-CYA-AA-00-DR-A-00010M; 1222-CYA-AA-01-DR-A-00011I; 1222-CYA-AA-02-DR-A-00012I; 1222-CYA-AA-02-DR-A-00013H; 1222-CYA-AA-02-DR-A-00014H; 1222-CYA-AA-ZZ-DR-A-00015F; 1222-CYA-AA-ZZ-DR-A-00016D; 1222-CYA-AA-ZZ-DR-A-00017I; 1222-CYA-AA-ZZ-DR-A-00018G; 1222-CYA-AA-ZZ-DR-A-00019D; 1222-CYA-AA-ZZ-DR-A-00020D; 1222-CYA-AA-XX-DR-A-00025C; 1222-CYA-AA-XX-DR-A-00026C; 1222-CYA-AA-ZZ-DR-A-00027C; 1222-CYA-AA-ZZ-DR-A-00028C; 1222-CYA-AA-ZZ-DR-A-00029A; 1222-CYA-AA-XX-DR-A-00030I; 1222-CYA-AA-XX-DR-A-00031E; 1222-CYA-AA-XX-DR-A-00032E	
Supporting Documents:	Design and Access Statement Issue 04 (October 2023) by Colley Architects ref. 1222-0504-RT01; Planning Statement by Collective Planning dated November 2022 ref. JF/RE/0323; Transport Statement Rev A (20 th October 2023) by Markides Associates document number TS04; Daylight, Sunlight and Overshadowing report (27 th October 2023) by OSM Chartered Surveyors; Energy Statement Rev A (17 th October 2023) by NRG consulting ref. PP2054/LR/ES/202310-REV A - NR; Surface Water Drainage Strategy Issue 06 (November 2023) by Cole Easdon Affordable Housing Viability Report for Residential Development at 1285 London Road, Leigh-on-Sea, SS9 2AD on behalf of Carlton Group Development Ltd by Simor Corp dated 25 th October 2023.	

Letters to Registered Providers dated 12th July 2023

Recommendation:

DELEGATE to the Executive Director for Environment and Place, Director of Planning and Economy or Service Manager - Development Control to GRANT PLANNING PERMISSION subject to CONDITIONS following the completion of a LEGAL AGREEMENT under Section 106 of the Town and Country Planning Act 1990 (as amended)



1 Site and Surroundings

- 1.1 The site is located on the northern side of London Road, between its junctions with St Clement's Avenue to the east and Kingswood Chase to the west.
- 1.2 It is occupied by a cluster of rudimentary single-storey buildings to the rear and a two-storey building of traditional design with a hipped roof and two ground floor bay windows towards the front of the site. It is understood that the entirety of the site was last used as a garden centre however the site is presently vacant and the buildings are now in disrepair.
- 1.3 The site has an existing vehicular access from London Road to its western part.
- 1.4 The surrounding area comprises an eclectic mix of uses and building styles. Properties on St Clement's Avenue to the east and Kingswood Chase to the west are mainly two-storey or bungalow or chalet-style residential properties of traditional designs. On London Road, to the immediate west of the site there is a pair of semi-detached bungalows and further west are single, two and three storey properties typically with commercial uses at ground floor and residential uses above. Opposite the site, to the south is a three-storey block of flats comprising hipped and gabled roofs, a three-storey dwelling and the modern West Leigh Baptist Church with its high gables reaching up to three storeys in scale. To the immediate east of the application site is a three-storey, flat roofed office building of contemporary design which was given planning permission under ref. 18/02048/FUL and further east are two and three-storey blocks of flats.
- 1.5 On London Road, properties follow a slightly stepped building line which follows the highway. Notable exceptions are the two bungalows to the immediate west of the site which sit significantly deeper within their plots and results in a more apparent stepped building line in this street block.
- 1.6 The site is not located within a conservation area and there are no specific planning policy designations affecting the site. It is within Flood Zone 1.

2 The Proposal

- 2.1 As revised during its course, the application seeks planning permission for the demolition of the existing buildings at the site and their replacement with a principally four-storey building, dropping down to two-storeys, and providing 17No self-contained flats and 1No commercial unit.
- 2.2 The flats would comprise 8No one-bed (one of which is a studio), 5No two-bed, and 4No three-bed units. 10No parking spaces are proposed to the rear of the site (including two accessible spaces), accessed via an undercroft with dedicated areas within the building for residential cycle and refuse storage, also accessed via the undercroft.
- 2.3 The commercial unit to be located to the west of the site at ground floor is some 47sqm in internal floor area and is proposed to be used within Class E of the Use Class Order. No details of the end use have been provided at this stage of the application. Commercial refuse storage is included adjacent to the commercial unit, accessed via the undercroft. There are 2 Sheffield cycle stands to the front of the commercial unit.
- 2.4 The proposed building would have a series of main gabled roof forms over the four storey element with extensive glazing, powder coated shutters (should relevant occupiers wish

thermal mitigation) and enclosed balconies within the gables fronting London Road. A flat roof is shown over the two-storey element of the proposal to the western part of the site.

- 2.5 The development has a staggered front building line to reflect the significant variation in building lines of the properties either side of the application site. The development would be a maximum 34m wide, 22m deep and 13m high (dropping to 10.5m at eaves level).
- 2.6 The proposed development would be constructed externally in a combination of face-brick and external cladding. Glazed balustrading and floor-to-ceiling windows are also shown in the main the London Road (south facing) frontage.
- 2.7 Level access would be provided by a lift with access between the ground and fourth floors. The submitted plans show that two units (flats 11 and 17) would comply with Building Regulation Part M4(3) requirements, including provision of 2no. Disability Discrimination Act (DDA) compliant parking spaces to the rear of the site. Outdoor amenity space would be provided predominantly in the form of balconies and terraces between 5sqm and 16sqm. Ground floor units 1, 3 and 4 would have rear garden areas some 17sqm, 48sqm and 50sqm in area.
- 2.8 The proposed housing mix (based on the number of bedrooms) is shown in **Table 1** below:

Table 1: Proposed dwelling mix by size

Type of unit	Number	Percentage
One-bedroom flats (including one studio flat)	8	47%
Two-bedroom flats	5	29%
Three-bedroom flats	4	24%
Total	17	100%

3 Relevant Planning History

- 3.1 23/01418/PREAPF- 18 residential units - to discuss the design matters raised by the current planning officer- Advice given.
- 3.2 20/01527/PREAPF- Demolish existing buildings and erect new block of 17 apartments with external amenity space, balconies and associated car parking, refuse and cycle store- Advice given.
- 3.3 10/01672/FUL- Use part of garden centre (Class A1) as car sales (sui-generis) (Retrospective)- Refused.

4 Representation Summary

Public Consultation

- 4.1 Thirty (30) neighbouring properties were initially consulted by letter, a site notice was displayed and a press notice placed. A full neighbour re-consultation was then undertaken following submission of amended plans. A representation from one (1) address has been received objecting to the development. This is summarised below:

- Residential amenity concerns, imposing, loss of light and overbearing impact.
- Development is too large.

Officer Comment: The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case.

Leigh Town Council

4.2 Objection raised for the following reasons:

- Design and Character: The design, size, bulk and overbearing nature of the proposal represents a cramped form of development and an overdevelopment of the land which is out of keeping and detrimental to the character and appearance of the application site and the area more widely. It does not respond positively to local character and will not successfully integrate.
- Amenity: The development does not protect the amenity of the site for future occupiers and would have an adverse effect on the amenity of its immediate neighbours with regard to overbearing impact.
- Parking: The parking provision is inadequate and does not meet the policy standards of one space per flat. The area suffers considerable parking stress.
- Contrary to National and Local planning policy.

Lead Local Flood Authority (LLFA)

4.3 No objections.

Environmental Health

4.4 No objections subject to conditions requiring a noise impact assessment, land contamination information, refuse and recycling information and to manage construction including controlling construction hours.

Parks

4.5 The biodiversity enhancements including soft landscaping scheme should be conditioned to be approved before development commencement. A management plan of these features should also be included.

There appears to be trees on neighbouring properties which will likely require protection measures to prevent any damage as a result of development.

[Officer Comment - Amended plans have been submitted after receipt of this Parks consultation response incorporating a 2.5m buffer from built form to the shared boundary with No.9 St Clements Avenue so staff consider that tree protection measures are no longer necessary.]

Highways

4.6 No objections – The site benefits from being in a sustainable location with regard to public transport with good links in close proximity. The applicant has provided a robust transport statement highlighting the site's sustainable location. The applicant should provide travel packs which promotes sustainable travel. TRICS [*Trips Rate Information Computer System*] data has also been provided along with census data this concludes that there will be a slight increase in vehicle movements (5No 2-way vehicle movements) in the

peak hour. This will not have a detrimental impact on the local highway network. Therefore, given the detailed information contained within the application there are no highway objections to the proposal.

Private Sector Housing

- 4.7 No objections. The work is feasible. They are agreeing to retain commercial use on ground floor and employment as well as 20% social housing. There is wheelchair access on the upper levels for 2 units. Room sizes do not contravene minimum standards and this will provide some much-needed additional units of accommodation. Informatives to be added involving fire safety provisions.

[Officer Comment: Issues of fire safety, for this type and scale of development, are dealt with under separate Building Control legislation]

Strategic Housing

- 4.8 There has been no interest from Registered Providers. This opportunity does not meet their preferences. Therefore, we will have to consider a commuted sum on this site.

Education

- 4.9 Financial contribution of £23,547.98 is required towards secondary education at Chase High School.

Health Care (NHS)

- 4.10 Financial contribution of £9,000 is requested for the benefit of patients of the Primary Care Network operating in the immediate area.

[Officer comment – CIL addresses Primary Care funding considerations.]

Anglian Water

- 4.11 No objections.

London Southend Airport

- 4.12 No objection subject to a condition requiring third party instrument flight procedure assessment (ILS).

4.13 Design Officer Comments

No objections.

[Officer Comment: The detailed assessment points raised are reflected in the Design and Character section of the report.]

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it is a major development and officers do not consider it prudent to exercise delegated authority.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)

- 6.2 Planning Practice Guidance (PPG) (2023)

- 6.3 National Design Guide (NDG) (2021)
- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (Seafront) DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Technical Housing Standards Policy Transition Statement (2015)
- 6.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.12 Guide to Section 106 & Developer Contributions (2015)
- 6.13 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area, impacts on neighbours' residential amenity, living conditions of future occupiers, traffic and transportation matters, flood risk and drainage, sustainability, RAMS, CIL and developer contributions.

8 Appraisal

Principle of Development

Loss of Employment and Provision of Housing

- 8.1 Paragraph 125 of the NPPF states that: *Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: ... (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.* As noted above, the site is not specifically allocated in the development plan.

- 8.2 The NPPF encourages effective use of land, in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 8.3 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City.
- 8.4 The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend 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.
- 8.5 For the proposed provision of housing here, of which 17% would be family sized flats (3-bedroom units), the HDT and 5YHLS weigh in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.
- 8.6 Policies CP1 of the Core Strategy and DM11 of the Development Management Document seek to resist planning permission for proposals which would involve the loss of existing employment uses.
- 8.7 Policy CP1 of the Core Strategy states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.
- 8.8 The proposal seeks a mixed-use development comprising a commercial unit to part of the ground floor with residential development to the other part of the ground floor and to the upper levels.
- 8.9 The extent of commercial space at the site will change from approx.301sqm to 47sqm. This represents a significant reduction in commercial space however, despite being located in a mixed-use area, the site has no policy designations controlling use either in terms of employment or retail. It does not constitute a primary or a secondary shopping frontage or an employment site. Therefore, it is considered that a mixed-use development is compatible with the local policy context and the character of the area. The tilted balance in favour of sustainable development for housing is also applicable due to the housing needs of the City. The change of use of the site to a housing-led mixed-use development is therefore considered to be acceptable and the proposal is considered to be policy compliant in this regard.

Dwelling mix

- 8.10 Policy DM7 of the Development Management Document seeks that residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the City's housing

need and housing demand. The Council seeks to promote a mix of dwelling types and sizes as detailed below. The dwelling mix indicated by Policy DM7 compared to the proposal is shown in **Table 2** below.

Table 2: Proposed and preferred policy dwelling mix by size

Type of unit	Number	Percentage	Policy
One-bedroom flat	8 (including one studio unit)	47%	9%
Two-bedroom flat	5	29%	22%
Three-bedroom flat	4	25%	49%
Total	17	100%	20%

- 8.11 Whilst Policy DM7's preferred mix needs to be considered, it is also the case that, since the adoption of Policy DM7, there has become an evidenced need for all types and sizes of dwelling within the City, a factor that must be given due weight in the assessment.
- 8.12 The units proposed incorporate a mix of dwelling sizes, including 4 three bed units capable of family occupation. It is considered that the dwelling mix would accord reasonably to the higher density context of the site's surroundings and the more compact nature of the site. It would not unreasonably affect the character of the area in terms of flat sizes. The proposal would make a useful contribution to meeting the housing needs of the city and is considered to be acceptable and policy compliant in the above regards.

Affordable Housing

- 8.13 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10 - 49 dwellings which should be split 60:40 between affordable rented and shared ownership units. A policy compliant provision would be 3 dwellings, comprising 2 affordable rented units and 1 shared ownership units.
- 8.14 The financial viability assessment (VA) submitted with the application concludes that a contribution to affordable housing is viable in this case. This contribution has been calculated at £131,955 and this position has been confirmed by an independent viability assessment.
- 8.15 The applicant has contacted 5No registered social landlords and has confirmed only a single reply has been received from the registered providers to date, which was not interested in taking on this small number of affordable housing units on site in this instance. In light of this, the applicant has agreed to provide the financial contribution of £131,955 in lieu of providing on-site units.
- 8.16 In accordance with the "*Interim Affordable Housing Policy*", it is considered that the applicant has satisfactorily demonstrated that there is no interest from Registered Providers (RP's) for the relatively small-scale provision of 3No affordable housing units on this site. In addition, in so far as officers are aware, the developer is not in a position to locate the affordable housing on an alternative site. It is therefore, considered appropriate to allow a financial contribution in lieu of on-site affordable housing provision

in the specific circumstances of this case.

- 8.17 In this instance, the Strategic Housing Team and planning officers support the proposition of accepting the offer of a financial contribution of £131,955 in lieu of providing 3 affordable housing units on site.

Conclusion on principle of development

- 8.18 In the round, the principle of providing additional housing with one ground floor commercial use on this site is considered acceptable.

Design and Impact on the Character of the Area

- 8.19 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.
- 8.20 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 contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.
- 8.21 The application site is positioned between a pair of traditional bungalows to its immediate west and a contemporary, three storey, flat roofed commercial development to its immediate east. The building line between these neighbouring plots also varies significantly with a significant step in the building line in this location due to the set-back location of the adjoining bungalows.
- 8.22 The proposal responds to these factors through its design via a stepped height, with a two-storey, flat roofed element adjacent to the bungalows, with the height and scale of the development increasing to four storeys adjacent to the three-storey commercial development to the immediate east of the site. This fourth storey constitutes a series of gabled roofs, the prominence and massing of which would reduce the visual dominance of this floor level and would be mitigated by the set back from the main front elevation by some 3m, thereby presenting a partially enclosed balcony/terrace fronting London Road.
- 8.23 The gabled roofs would allow views through/between them, and the angled nature of the gabled roof sloping away from the neighbouring three-storey, flat roof block reduces its scale, mass and bulk whilst enabling a more comfortable step in scale. In this context it is considered that the height of the proposed building is suitably in-keeping with the varied heights of buildings within the surrounding area.
- 8.24 The amendments made to the roof form during the course of the application ensure that the building is well resolved from all sides which is important in this exposed location. The repetitive gabled form breaks the building vertically, referencing the finer grain, form and proportions of the more traditional domestic buildings in the area, albeit in a modern way. This verticality is balanced by the horizontal forms of the balconies on the main frontage giving the building comfortable proportions overall. In addition to the feature gables, the frontage is articulated with a tall, covered entrance feature which steps out and up the building helping to link the various elements of the frontage together. A variety of balconies and a significant amount of glazing further break up the massing and add

interest to the development and the wider streetscene.

- 8.25 To the rear, which will be visible from the side roads, the development utilises the same gabled design and this will ensure the scheme overall is cohesive and interesting from all viewpoints and this is positive.
- 8.26 The proposed building would also have a staggered building line to reflect the markedly different positions of the buildings to the east and west of the application site. This ensures that the building line is respected but also enables the proposed building to have an element of visual interest through its layout and articulation. This layout and siting, and the inclusion of recessed balconies and enclosed roof terraces helps the massing of the building to be broken up visually and adds interest. The external materials shown, which are a combination of face brick and metal sheet cladding are considered to be of a sufficient quality in principle and appropriate in the immediate streetscene context. Overall, the success of the proposal will depend on key design features being well detailed with elegant profiles and the use of high-quality materials and all external materials are controllable by a recommended condition.
- 8.27 Significant areas of soft landscaping and planting are shown to the site frontage which would have a positive visual impact when considered in the context of the application site, the immediate streetscene and the surrounding area at present. Whilst details have not been provided at this stage, details of the hard and soft landscaping to be installed on the site and their continued management can be conditioned as part of any approval.
- 8.28 Overall, it is considered that the proposal would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area so is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.29 Delivering high quality homes is a key objective of the NPPF and is reflected in policy DM8 of the Development Management Document. Policy DM3 of the Development Management 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.
- 8.30 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below. Where the flats either meet or exceed the minimum standards, this is highlighted in green.

Table 3: Space Standards and proposed unit sizes

	Flat No.	Area (m²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m²)
Standard for 1-bed, 1-person	N/A	37*	7.5m ² ; Wmin=2.15m	N/A	N/A	1

unit						
Proposed 1-bed, 1-person units (studio unit)	16	38	N/A	N/A	N/A	2
Standard for 1-bed, 2-person unit	N/A	50	11.5m ² Wmin=2.75m	N/A	N/A	1.5
Proposed 1-bed, 2-person unit	1	51	13m²; Wmin=2.75m	N/A	N/A	2
	3	53	12m²; Wmin=2.9m	N/A	N/A	2
	7	50	12m²; Wmin=3m	N/A	N/A	2
	8	50	12m²; Wmin=2.75m	N/A	N/A	2
	9	52	12m²; Wmin=3m	N/A	N/A	1.5
	12	50	12m²; Wmin=2.75m	N/A	N/A	2
	13	53	12m²; Wmin=3m	N/A	N/A	2
Standard for 2-bed, 3-person unit	N/A	61	11.5m ² ; Wmin=2.75m	7.5m ² ; Wmin=2.15m	N/A	2
Proposed 2-bed, 3-person unit	2	61	14m²; Wmin=3m	8m²; Wmin=2.2m	N/A	2
	5	61	12m²; Wmin=2.8m	8m²; Wmin=2.25m	N/A	2
	6	62	12m²; Wmin=3.5m	9m²; Wmin=2.15m	N/A	2
	10	61	12m²; Wmin=2.75m	9m²; Wmin=2.3m	N/A	2
	14	61	12m²; Wmin=2.75m	8m²; Wmin=2.2m	N/A	2
Standard for 3-bed, 4-person unit	N/A	74	11.5m ² ; Wmin=2.75m	7.5m ² ; Wmin=2.15m	7.5m ² ; Wmin=2.15m	2.5
Proposed 3-bed, 4-person unit	15	78	13m²; Wmin=2.75m	8m²; Wmin=2.4m	8m²; Wmin=2.6m	2.5
Standard for 3-bed, 5-person unit	N/A	86	11.5m ² ; Wmin=2.75m	11.5m ² ; Wmin=2.55m	7.5m ² ; Wmin=2.15m	2.5
Proposed 3-bed, 5-person unit	4	86	15m²; Wmin=3m	14m²; Wmin=3m	8m²; Wmin=2.5m	3
	11	95	16m²; Wmin=3.2m	14m²; Wmin=3.2m	10m²; Wmin=2.3m	3
	17	98	15m²; Wmin=3m	12m²; Wmin=3.1m	10m²; Wmin=2.4m	3

*Flat 16 is a studio apartment so bedroom size is not applicable

8.31 Table 3 demonstrates that all the proposed units would either meet or exceed the NDSS.

- 8.32 Following review of the submitted daylight, sunlight and overshadowing report by OSM Chartered Surveyors, all habitable rooms would have satisfactory levels of outlook and daylight and no objections are raised on this basis.
- 8.33 Policy DM8 requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards and requires 10% of the units (2 units) to meet the Building Regulations M4(3) wheelchair compatible requirements. This includes providing 2no. disabled parking spaces and a lift to all flats. The plans show that flats 11 and 17 will be Building Regulations M4(3) compliant with two accessible parking spaces provided to the rear of the site. The remainder of the flats are Building Regulations M4(2) compliant and compliance with these standards can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.
- 8.34 The development has been designed to limit as far as reasonably possible the potential for inter-looking between units. Measures include the provision of privacy screening on external balconies, angled windows to prevent direct inter and over-looking between units and where appropriate, the provision of obscure glazed windows. During the course of the application, the main ground floor communal entrance was amended so that it would be recessed to prevent occupants and visitors to the site from congregating (albeit for short periods) adjacent to the window serving the single bedroom at flat 2. This change has sufficiently addressed previous staff concerns in that regard.
- 8.35 Also of note when considering inter-looking impacts are the main bedroom windows serving Flats 9 and 13 which would face directly out onto an external walkway and therefore views would be possible into these bedrooms when accessing/egressing flats 9 and 10 and flats 13 and 14. Whilst not an ideal arrangement, it is considered that as the external walkways would only be used by the respective flats' occupiers/ visitors, this arrangement would not warrant refusal on this basis alone as any interlooking which did arise would be limited in nature, intermittent and reasonably capable of being mitigated by future occupiers, if desired, using conventional fittings such as blinds or nets. Any material concerns in this respect would need to be weighed as part of the overall planning balance.
- 8.36 In relation to the provision of amenity space, Policy DM8 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."
- 8.37 All the proposed dwellings have a private external amenity area of between 5sqm and 50sqm with the units capable of family sized occupation (3 or more bedrooms) benefitting from some of the most generous outdoor amenity provisions; Flat 4; 50sqm, Flat 11; 14sqm, Flat 15; 14sqm and Flat 17; 16sqm. This will provide adequate amenity space for all residents. Subject to the agreement of landscaping details, the proposal is acceptable and policy compliant in this regard.
- 8.38 The Council's Environmental Health Officer has raised concerns in relation to the potential noise for future occupiers from traffic using London Road and from the potential future operation of the commercial unit on the site. This can be addressed via a Noise Impact Assessment which would set out any mitigation measures such as window specifications and restricting opening and delivery hours and acoustic housing for any plant to address noise and disturbance from these sources. This can be secured by condition. A condition

is also recommended restricting the use of the commercial unit to Class E only, with the exception of use as a gymnasium use which could result in specific noise/vibration issues which would necessitate appropriate detailed consideration.

- 8.39 No contaminated land report has been submitted with this application. The Environmental Health officer has commented that the site is classed as being potentially contaminated land owing to the previous use of the site as a workshop and a phase 1 report is necessary. It is considered that this can be reasonably secured through a planning condition.
- 8.40 Overall therefore, subject to the described conditions the proposal would provide an acceptable standard of accommodation and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 8.41 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.
- 8.42 The nearest residential properties affected by the proposal are No.1287 London Road to the west and No's 9 and 11 St Clements Avenue to the north-east of the application site. A three-storey commercial block (No.1279 London Road) bounds the site to the east.
- 8.43 This neighbouring commercial property at 1279 London Road has 4no. openings facing towards the site. The proposed development would be built partially on the boundary on this side at single storey level and there is a gap of some 1.5m between the boundary and the neighbouring building. The proposed development has no windows directly in the adjacent elevation. Whilst side windows are noted on a deeper projecting element of the proposal facing No.1279, the position of these neighbouring openings close to its front elevation would preclude the opportunity for any overlooking. Moreover, the uninhabitable nature of the commercial property is such that the provision of built form in close proximity to the existing neighbouring openings is such that the proposal is not considered to give rise to significant harm to the users of the commercial unit.
- 8.44 The development would introduce additional occupiers to the land and this would have some impacts in terms of noise and activity however, the site is within a built-up area and has historically been in a commercial use. The in-principle impacts of residential development at the site are considered acceptable with regard to noise and activity in general. Car parking is proposed to the rear of the site and adjacent to rear garden boundaries of No's 9 - 11 St Clements Avenue (east) and No.1287 London Road to the west. Those parts of the site benefitted from commercial use but were occupied by ancillary buildings and not used for parking purposes. The proposal's car park has a maximum capacity of 10No vehicles. Whilst there is potential for some limited harmful noise and disturbance effects from vehicles accessing and egressing the site were no mitigation proposed, it is considered that in the circumstances of this case and given the limited size of the car park proposed, such concerns could reasonably be dealt with via a condition requiring specialist acoustic fencing along the car park's boundaries with these neighbouring properties. This has been agreed with the applicants and has been

annotated as such in amended plans.

- 8.45 Turning to the impact on No.1287 London Road to the west, the proposed development would result in the adjacent two-storey element of the proposal projecting some 4m forward of the nearest neighbouring front elevation at two storey scale, with a 1m separation gap between the development and the neighbouring property. In this instance, regard is had to the south facing orientation of the properties on this side of the road and the nature of the nearest neighbouring openings as a projecting bay window comprising multiple outlooks. On this basis, the forward projection of the proposal is such that it is not considered to have a significant detrimental impact on neighbour amenity having regard to a loss of light, outlook, an overbearing impact nor an undue increased sense of enclosure. The application's supporting Daylight/Sunlight Assessment undertaken in accordance with BRE guidance confirms that light for neighbouring habitable rooms would continue to meet BRE guidelines.
- 8.46 The proposed development would not project beyond the rear elevation of No.1287 such that light and outlook to and from neighbouring rear windows would not be significantly harmed. With regards to overlooking, 1No second floor flank window is proposed to a double bedroom within Flat 11. As this window is a secondary window owing to other principal rear openings, any overlooking or loss of privacy concerns could reasonably be addressed by a condition requiring this flank window be obscure glazed with limited openings. Additionally, as an amendment agreed during the course of the application, privacy screening has now also been added to part of the first-floor rear balcony closest to the boundary with No.1287 to mitigate any materially harmful over-looking impacts from use of the private amenity space. This is considered as a suitably proportionate measure to ensure privacy of the neighbouring occupants at No.1287 is reasonably maintained.
- 8.47 With regard to No.9 Clements Avenue to the north-east, amended plans submitted during the course of the application have repositioned the initially proposed development away from the shared rear/flank boundary by some 2.5m. The proposal has also been developed so that the built form reduces significantly in scale northwards, so that the built form closest to the No.9's rear garden is two storey in scale with 2.5m separation, with the three and four storey elements separated by a minimum of 11m from No.9's southern boundary. The proposal is now considered to be acceptable in terms of dominance and enclosure impacts for that neighbour. The submitted Daylight/Sunlight Assessment confirms that light for neighbouring habitable rooms and the sunlight to the rear garden at No.9 Clements Avenue would continue to meet BRE guidelines. The impacts on daylight/sunlight on habitable rooms serving No.11 St Clements Avenue have also been found to be acceptable within the submitted assessment.
- 8.48 With regards to overlooking of the rear garden area belonging to No.9 Clements Avenue, privacy screening, timber louvring fins and obscure glazing have been incorporated to the closest windows and balconies/terraces to the shared boundary to prevent clear views northwards towards No.9. This is inclusive of the windows proposed to serve the stairwell. This arrangement is considered sufficient to mitigate against a harmful degree of overlooking and suitably maintain neighbour privacy whilst enabling development on this London Road site. A condition can ensure this arrangement is implemented. Full details of the privacy screening can be controlled by condition.
- 8.49 In relation to the proposed commercial unit within the development, the mixed character of the area and its location facing London Road are such that there are no concerns that this use would give rise to unacceptable levels of noise and disturbance on any neighbours subject to the conditions set out in other relevant sections of this report. In the

circumstances of this application, it is considered reasonable to restrict the use of the commercial unit to Class E activities only with specific permission needed for any gymnasium proposal were that to come forward in the future.

- 8.50 Other residential properties are further away such that no significantly harmful impacts to their occupiers' amenity have been identified. Subject to the described conditions, it is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. Matters relating to external lighting and construction and demolition management can be reasonably addressed through planning conditions in the interests of residential amenities. On this basis, the proposal, subject to conditions, is acceptable and compliant in the above regards.

Traffic and Transportation Issues

- 8.51 The NPPF states (paragraph 115) 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."
- 8.52 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner." The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport.
- 8.53 Assessed against the parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit.
- 8.54 The commercial unit is proposed to be in Class E Use. The current maximum commercial parking standards, as set out in appendix 6 of the Development Management Document are determined based on the previous Use Class Order and are different for shops, professional services, restaurants, offices, indoor recreation etc. which are now amalgamated into Use Class E. As such, the maximum parking spaces for the Class E commercial unit proposed would vary from a maximum requirement of 1 space per 5sqm (restaurant use) to 1 space per 30sqm (business use). On the basis of the commercial unit would generate a maximum parking requirement of between 2 to 10 parking spaces. It is important to note that these requirements are expressed as maximum figures.
- 8.55 10No off-street car parking spaces (including two accessible spaces) would be provided as part of the development which is 7No less than the standards require for the residential units (17) before any weight is given to the sustainability of the location. These parking spaces would be for sole use by the flats. No off-street parking is proposed for the commercial unit.
- 8.56 To support this position, the application includes a Transport Assessment by Markides Associates. This includes detailed information relating to the sustainable modes of transport available within the local area, inclusive of multiple bus services along London Road as well as rail links from Leigh Station, which is some 1500m to the south (approx.20min walk or 8min bike ride). Existing on street parking restrictions would limit the ability for parking overspill to occur and would provide some flexibility for occasional short stay visitor trips to the site. The Assessment included a survey recording the number

of parked vehicles overnight within a defined small-scale study area. This indicated that some on-street (non-restricted) car parking capacity exists within 200m of the site, further alleviating parking demand for the development. On this basis, the Transport Assessment concludes that the proposed development would not have a significantly detrimental impact on parking conditions in the immediate vicinity of the site. The bus services and frequencies are summarised in the table below;

Bus Route Number	Route	Peak Hour Frequency (Each Direction, AM and PM)			Weekday Services	
		Weekday	Saturday	Sunday	First	Last
1	Rayleigh to Shoeburyness	5	5	2	05:15	23:15
27 / 27A	Canvey to Southend	4	3	2	05:29	22:52
827	Canvey to Southend (school service)	1	0	0	07:57	15:40
28	Victoria Station Interchange to Basildon Bus Centre	3	3	2	05:31	23:42
28	Victoria Station Interchange to Southend	3	3	2	06:42	23:05
23	Southend-on-Sea to Tilbury	2 (PM only / 4 daily)	2 (PM only / 4 daily)	2 (PM only / 4 daily)	05:36	19:35

- 8.57 The Transport Assessment also includes TRICSs data which together with census data concludes that there will be a slight increase in vehicle movements (five 2-way vehicle movements) in the peak hours as a result of this development. This is not identified as having a detrimental impact on the local highway network.
- 8.58 No changes to existing access arrangements are proposed.
- 8.59 Highways, having reviewed the Transport Assessment submitted raise no objection to the proposed development on parking, traffic or highway safety grounds subject to provision of a Travel Plan and Travel Information packs which have been included within the proposed heads of terms for a Planning Obligation.
- 8.60 Internal, covered and secure residential cycle parking for 23No bikes is shown on the submitted plans which is in accordance with the policy requirements, and which can be secured via condition. 2No Sheffield cycle stands positioned forward of the commercial unit are also shown for use by its staff or visitors.
- 8.61 In line with the Council's adopted Electric Vehicle (EV) charging schedule for new dwellings, a condition is attached requiring all of the car parking spaces to be fitted with EV charging points.
- 8.62 No information has been provided in relation to the servicing of the commercial unit. As such, a condition has been imposed for service and delivery details to be submitted to and agreed by the Local Planning Authority.
- 8.63 Overall, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The proposal is acceptable and policy compliant in the above regards.

Waste and Recycling Storage

- 8.64 The residential waste store would comprise 5no. 1100L Eurobins and a food waste bin. The Eurobins would be split; 3no. for waste and 2no. for recycling. This would be in

accordance with the Council's waste guidance for new developments.

- 8.65 A separate waste store comprising general waste and recycling bins for the commercial unit is shown. The form and capacity of the provision is considered to be acceptable.

Energy and Water Sustainability

- 8.66 Policy KP2 of the 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 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.
- 8.67 No information has been provided regarding proposed renewable energy to demonstrate how the development meets the 10% policy requirement or how it would achieve the required maximum water usage. The requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the building and the wider area.
- 8.68 This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Flood Risk and Drainage

- 8.69 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 8.70 The site is located within Flood Zone 1, the lowest risk zone, so is sequentially preferable for residential development. A drainage strategy has been submitted with the application which has been deemed sufficient by the Lead Local Flood Authority (LLFA) and these details have been conditioned.

Biodiversity enhancement

- 8.71 The accompanying Design and Access Statement refers to the planting of green roofs with wildflower mix to the areas of flat roof across the development as well as the planting of climbing species to the external elevations of the building. A soft landscaped area is proposed in the front amenity space, with green hedges separating this amenity from the street and flower bedding close to the main entrance and driveway.
- 8.72 Whilst specific details have not been provided, they can be controlled by condition and would represent a net benefit when considered against the site circumstances at present.
- 8.73 Overall therefore and subject to conditions, the proposal is considered to be acceptable and policy compliant in terms of its impact on biodiversity in all relevant regards.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 8.74 The site falls within the Zone of Influence for one or more European designated sites

scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (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 RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. The proposal is therefore considered to be acceptable and policy compliant in this regard.

- 8.75 Overall it is considered that, subject to securing the implementation of ecology mitigation and enhancement measures as proposed, and the securing of the RAMS payment via the S106 agreement, the proposal is acceptable in terms of biodiversity and ecological impacts and is policy compliant in this regard.

Planning Obligations

- 8.76 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."*
- 8.77 Paragraph 58 of the NPPF states *'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 at the application stage.'*
- 8.78 The National Planning Practice Guide makes it clear that *'Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.'*
- 8.79 Core Strategy Policy KP3 requires that: *"In order to help the delivery of the Plan's provisions the Borough Council will:*
- 2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as:*
- a. roads, sewers, servicing facilities and car parking;*
 - b. improvements to cycling, walking and passenger transport facilities and services;*
 - c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS);*
 - d. affordable housing;*
 - e. educational facilities;*
 - f. open space, 'green grid', recreational, sport or other community development and*

environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements.”

8.80 The following terms for a planning obligation have been agreed with the applicant:

	Proposed Head of Term	Details
1	Affordable Housing Contribution	Equivalent to 4 units = £131,955
2	Education	Secondary education contribution of £19,780.30
3	RAMS Ecology mitigation	£156.76 per unit (17) = £2,664.92
4	Highways	Travel Plan and Provision of Travel Information Packs to all residents.
5	Highways	Travel Plan Monitoring fee £500 x 5 years = Total £2,500
6	S106 Monitoring Fee	Up to a maximum £10,000

NHS Contribution

8.81 The NHS requested a financial contribution of £9,000 to increase capacity for the benefit of patients in the Primary Care Network operating in the vicinity of the application site. This figure, provided by the NHS is based on their identification of an existing deficit of GP services in the area and their predicted population increase of approximately 44 new residents as a result of the development. This figure is based on the average census household size of 2.3 people per dwelling, the requirement for 120sqm of surgery floorspace for every 1,750 patients and the average cost of new build extensions to health centres.

8.82 The Council's Supplementary Planning Document 2: Planning Obligations, confirms that funding for potential primary healthcare care is addressed through the Council's Community Infrastructure Levy (CIL), so such funding for the NHS will be secured via CIL rather than planning obligations. The NHS has not made any case for exceptional circumstances which would justify any additional contribution to the NHS via the S106 process and beyond the provisions of CIL.

8.83 The contributions noted in paragraph 8.78 above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks this committee's approval subject to entering into and then the completion of this agreement.

Community Infrastructure Levy (CIL)

8.84 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of some 1160sqm of residential and 47sqm of commercial floorspace which may equate to a CIL charge

of approximately £32,321.15 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity

8.85 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 which notes the inclusion of two Building Regulations M4(3) compliant wheelchair accessible units had careful regard to 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. The provision of accessible and adaptable dwellings is a positive aspect of the proposal in this regard.

Planning Balance and Housing Supply

8.86 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend 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. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. This proposal would provide 17No new dwellings for which there is an identified need including 4No family sized, 3-bed units and 2No wheelchair accessible, building regulations M4(3) units.

8.87 In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

9 Conclusion

9.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development, including use of this land for housing and the housing mix are acceptable. The proposed design and scale of the development would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area. Subject to conditions the proposal would have an acceptable impact on the amenities of neighbours. The proposal would provide an acceptable standard of accommodation for new occupiers. There would be no significant harmful traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability and ecology.

9.2 The proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to the completion of a S106

legal agreement and conditions. Should Members identify any areas of harm including for example any concerns about potential parking impacts should they reach a different conclusion from officers on those individual considerations then this needs to be balanced against the public benefits of the proposal including as identified within the body of the report. This proposal creates new housing, therefore, when assessing any harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a 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 National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. The proposal has been found to be acceptable in all relevant regards and is therefore recommended for approval, subject to completion of the S106 agreement and subject to conditions.

10 Recommendation

- a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- Secondary education contribution of £19,780.30
 - RAMS contribution – 17 x £156.76 = £2,664.92
 - Provision of Travel Information Packs to all residents.
 - Travel Plan Monitoring fee up to £2,500 (£500 x 5 years)
 - Affordable Housing Financial Contribution= £131,955
 - Monitoring fee of up to £10,000.
- b) That the Executive Director for Environment and Place, Director of Planning and Economy or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

- 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: 1222-CYA-AA-XX-DR-A-00001A; 1222-CYA-AA-ZZ-DR-A-00002A; 1222-CYA-AA-00-DR-A-00009H; 1222-CYA-AA-00-DR-A-00010M; 1222-CYA-AA-01-DR-A-00011I; 1222-CYA-AA-02-DR-A-00012I; 1222-CYA-AA-02-DR-A-00013H; 1222-CYA-AA-02-DR-A-00014H; 1222-CYA-AA-ZZ-DR-A-00015F; 1222-CYA-AA-ZZ-DR-A-00016D; 1222-CYA-AA-ZZ-DR-A-00017I; 1222-CYA-AA-ZZ-DR-A-00018G; 1222-CYA-AA-ZZ-DR-A-00019D; 1222-CYA-AA-ZZ-DR-A-00020D; 1222-CYA-AA-XX-DR-A-00025C; 1222-CYA-AA-XX-DR-A-00026C; 1222-CYA-AA-ZZ-DR-A-00027C; 1222-CYA-AA-ZZ-DR-A-00028C; 1222-CYA-AA-ZZ-DR-A-00029A; 1222-CYA-AA-XX-DR-A-00030I; 1222-CYA-AA-XX-DR-A-00031E; 1222-CYA-AA-XX-DR-A-00032 E.

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

- 03 Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development, including but not limited to the exterior walls and associated brick and cladding details; roof, including coping; windows and doors including entrance curtain walling; bi-fold shutters for dwellings; commercial shutters, signage details; waste and recycling store doors; shopfronts including awnings and facias, privacy screening measures and balcony specifications and rainwater goods have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.**

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition.**

The approved hard landscaping details shall be delivered in full accordance with the approved details prior to first occupation of the development. The approved soft landscaping details shall be delivered in full accordance with the approved details within the first planting season following first use of the development hereby approved. The details submitted shall include, but not be limited to:

- i. Existing and proposed finished site levels or contours;**
- ii. Details and specifications of all means of enclosure of the site, including boundary walls, Acoustic boundary fencing for the north, west and east boundaries of the development site's car park (as denoted on Drawing No 1222-CYA-AA-00-DR-A-00009H) and details of the boundary treatments to subdivide the private amenity areas;**
- iii. Hard surfacing materials for forecourt and vehicle access, turning and parking areas and the balconies;**
- iv. Full details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and management plan;**
- vi. Measures to enhance the biodiversity of 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 with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy

DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

- 05** Prior to the first occupation of the development hereby approved, the separate residential and commercial cycle and bin storage facilities shown on the approved plan 1222-CYA-AA-00-DR-A-00010M shall be provided and made available for use by the occupiers of the development. These areas shall be retained for the lifetime of the development in accordance with the approved details included in the approved plan 1222-CYA-AA-00-DR-A-00010M.

Reason: To ensure that satisfactory cycle and bin storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

- 06** Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 07** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- i)** the parking of vehicles of site operatives and visitors,
- ii)** loading and unloading of plant and materials,
- iii)** storage of plant and materials used in constructing the development,
- iv)** the erection and maintenance of security hoarding,
- v)** measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- vi)** a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii)** a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction. and
- viii)** details of the duration and location of any noisy activities.

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 08** The ten (10No) car parking spaces shown on approved plan '1222-CYA-AA-00-DR-A-00009H' shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall

thereafter be permanently retained solely for the parking of vehicles of the occupiers and visitors to the approved dwellings.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

- 09 Prior to first 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 and agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 10 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd 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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

11 A Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of any underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- i. a survey of extent, scale and nature of contamination
- ii. an assessment of the potential risks to:
 - Human health,

- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

B. Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended uses by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation unless and until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority under the terms of this condition. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified the development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the

purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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

- 12** Prior to first occupation of the dwellings hereby approved, a Noise Impact Assessment must be conducted by a competent person to assess the potential impacts of noise generated by existing commercial uses and road traffic and, as relevant, the impact of the commercial unit within the development itself, on the living conditions of future occupiers of the dwellings. The assessment must be made using the appropriate standards and methodology for the noise sources and best practice. A report on that Noise Impact Assessment, which must include any mitigation measures needed for the proposal to meet the required noise standards, as specified below, must be submitted to the Local Planning Authority for approval in writing before the dwellings are first occupied.

The mitigation measures recommended in the submitted report shall ensure that the internal ambient noise levels of the proposed dwellings shall not exceed the guideline values in British Standards BS8233:2014.

The development must be implemented in full accordance with the mitigation and other details submitted in the report approved under this condition before the dwellings are first occupied and thereafter be maintained as such for the lifetime of the development.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 13** The commercial unit hereby approved shall only be used for purposes falling within Use Class E as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. That excludes any use as a gymnasium which, notwithstanding the provisions of the Use Classes Order, shall not take place without express planning permission first having been obtained. 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 residential amenities and environmental quality, further to the National Planning Policy Framework (2023), 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)

- 14** No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed in association with the development hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any necessary noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter for the lifetime of the development.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 15** Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard BS7445:2003, the noise rating level arising from any equipment, plant or activities associated with the ground floor commercial unit hereby approved shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the nearest noise sensitive premises.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 16** Prior to first use or occupation of the commercial unit hereby approved, a delivery and servicing plan shall first have been submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. Thereafter, the delivery and servicing needs of the commercial unit shall only take place in accordance with the approved details.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 17** No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 18** The development hereby approved shall be constructed solely in accordance with the drainage details contained within the Surface Water Drainage Strategy (Issue 06) by Cole Easdon. The approved drainage works shall be maintained in good working condition for the lifetime of the development.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

- 19** Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2No of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 15No flats comply with building regulation part M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and advice in the Southend-on-Sea Townscape Guide (2009).

- 20** As the development hereby approved is taller than the adjacent properties, no development above ground floor slab level shall take place until a third-party instrument flight procedure assessment (ILS) assessment to satisfy London Southend Airport has been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the Core Strategy (2007) Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 21** Notwithstanding the details shown in the plans submitted and otherwise hereby approved, no part of the development hereby granted planning permission shall be occupied unless and until plans and other appropriate details have been submitted to and approved in writing by the Local Planning Authority, which specify the size, design, obscenity, materials and location of all privacy screens to be fixed to the proposed development. Before any part of the development hereby approved is first occupied the privacy screens shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter for the lifetime of the development.

Reason: In the interests of residential amenity and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 22** Prior to first occupation of the development hereby approved, the following windows hereby approved shall only be glazed in obscure glass (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 that window and retained as such thereafter. 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.

- The proposed second floor west-flank bedroom window serving Flat 11;
- The proposed third floor rear (north) facing stairwell windows;
- The proposed third floor rear (north) facing windows serving Flat 17's storage, WC and single occupancy bedroom.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- c) In the event that the planning obligation referred to in part (a) above has not been completed before 2nd February 2024 or an extension of this time as may be agreed by the Director of Planning and Economy or Service Manager of Development Control, authority is delegated to the Director of Planning and Economy or Service Manager of Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing, secondary education, RAMs, Travel Plan, monitoring of travel plan and provision of Travel Information Packs, and for a Monitoring fee and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

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.

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 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.
- 3 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution to affordable housing in lieu of on-site provision, a financial contribution in relation to education, a financial RAMS contribution, the provision of Travel Information Packs and a Travel Plan inclusive of monitoring fee and monitoring of the agreement.
- 4 Advertisement signage associated with the development may require consent under separate Advertisement legislation.
- 5 Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.
- 6 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 7 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.