

Reference:	16/02281/FULM	
Ward:	Victoria	
Proposal:	Demolish existing building, erect five storey building of 16 self-contained flats and two ground floor commercial units, layout parking, cycle and bin stores	
Address:	177 London Road, Southend-on-Sea, Essex, SS1 1PW	
Applicant:	Green Turtle Cay Limited	
Agent:	DAP Architecture	
Consultation Expiry:	11.05.2017	
Expiry Date:	13.07.2017	
Case Officer:	Janine Rowley	
Plan Nos:	703.200.01 Site and ground floor plan proposed; 1703.201.00 First and Second Floor Plan proposed; 703.203.00 Site and roof plan proposed; 703.204.00 Streetscene and sections proposed; 703.205.00 Proposed elevations; 703.206.00 Proposed Site Waste Management Plan, 703.207.01 third and fourth plan; 703.001.00	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing building, erect five storey building of 16 self-contained flats and two ground floor commercial units, layout parking, cycle and bin stores. The proposal will include 16 x 2 bedroom units and 114sqm of commercial (B1a) floorspace. No affordable housing is proposed.
- 1.2 The details of the scheme can be summarised as follows:
- | | |
|---------------|--|
| Site Area | 0.05 hectares. |
| Units | 16 flats all two bedroom plus 114sqm of commercial (B1a) |
| Parking | space
10 car parking spaces (16 cycle spaces for residential and 4
cycle spaces for commercial premises) |
| Amenity space | 131sqm (plus private balconies to each flat) |
| Height (max) | 5 storey (15.1m to 16.7m) |
- 1.3 The development includes 114sqm of commercial floorspace (B1a office) at ground floor level split into two units, 42sqm and 72 sqm respectively. The commercial space would have its own refuse store. No off-street parking is allocated to it.
- 1.4 At first, second, third and fourth floor level 16 x 2 bed units are proposed with internal floorspaces ranging from 63sqm-71sqm with access to balconies ranging from 3.3sqm- 8.5sqm and a communal roof terrace area of 131sqm to the fourth floor.
- 1.5 The building would front onto London Road and be set approximately 2.3m forward of the adjacent building to the west at its forward-most point and 1.4m forward of the development under construction at 175 London Road (a five storey building with 27 flats that is being constructed under the terms of permissions 11/00307/OUTM and 14/00499/RESM). The front elevation would then be staggered back giving it the appearance of two stepped blocks. The design is contemporary and simple and includes mono-pitch and flat roof elements and a projecting canopy feature matching that of the development currently under construction at 175 London Road.
- 1.6 Parking is at ground floor to the rear of the building, with part of the parking area to accommodate 10 parking spaces.

2 Site and Surroundings

- 2.1 The rectangular site includes a three storey contemporary building and lies on the southern side of London Road, North Road is to the west and Brighton Road is to the east. The building was recently occupied by a chartered accountancy firm and has previously been accepted by the Local Planning Authority, to be in use for purposes falling within Use Class B1(a), although it is noted that the application form suggests that the existing use is for A2 purposes. To the west of the site is Harwand House (which has been converted into flats) and the six storey telephone exchange building.

- 2.2 The area is mixed in terms of uses but on London Road mainly comprises of commercial units at ground floor and residential units above. The site to the east of the application site is currently being redeveloped. The surrounding area consists primarily of three storey buildings of a mixed design and style.
- 2.3 The site is not located within a 2(3) land and it is not listed building.
- 2.4 The site lies approximately 250m to the west of Southend town centre (as defined on the Development Management Document proposals map). It lies within the Southend Central Area within the adopted Core Strategy.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene, residential amenity of neighbouring and future occupiers, traffic, highways and parking implications, sustainability, developer contributions and CIL.

4 Appraisal

Principle of development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, CP4, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8, DM10, DM11, DM13 and DM15 and the Design and Townscape Guide SPD1 (2009)

- 4.1 Of significant relevance to this application are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*”
- 4.2 Policy CP8 requires that development proposals contribute to local housing needs and identifies that 80% of residential development shall be provided on previously developed land. Moreover, the policy states that 2000 dwellings shall be provided within the Southend Central Area during the plan period leading to 2021. Policy DM3 states that “the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”

Loss of Employment Land

- 4.3 Policy CP1 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.*”

Furthermore, policy DM11 states that: *the loss of employment land outside of designated areas will only be supported where it is no longer effective or viable to continue the employment use of the site.*

4.4 Policy DM10 of the Development Management Document part 2 states:

“The Southend Central Area, as defined in the Southend Central Area Action Plan, will form the primary location for major economic growth particularly for Class B1 office uses”.

- 4.5 The applicant state that the former occupant of the site has merged with another practice and the property at the application site is understood to have remained vacant since (although this contradicts the information on the submitted application form, which states that the building is not vacant). In accordance with aforementioned policies, the applicant has submitted supporting information with the application which concludes that the site is no longer suitable for commercial use. This includes an estate agents letter and the planning statement, which suggests that existing buildings are coming to the end of their natural life. The applicant states that the site has been vacant for some time and has limited servicing areas and limitations on parking which render the buildings unattractive to other office users. There are other available business/office buildings and sites locally, which would be more cost effective and attractive to commercial operators seeking space within the Borough. It is further contended that is not a viable prospect to refurbish the existing buildings or to redevelop it for new commercial premises. Also of relevance is a recent prior approval to change the use of the first and second floor offices (stated to be in B1(a) use) units at 177 London Road to eight studio flats (16/01059/PA3COU).
- 4.6 During the course of the application the applicant has agreed that the proposed ground floor commercial space will be used for class B1(a) purposes rather than the class A2 use that was originally proposed. Provision of this ground floor office space in place of the existing commercial use at the site is acceptable in principle and would enable the provision of some (B1a) employment to be provided in a new, fit for purpose office building, to off-set the loss of a larger amount of office floorspace, which was however located in an outmoded building that the applicant states is coming to the end of its natural life.
- 4.7 For these reasons, noting that the proposal would result in the loss of commercial floorspace that currently provides limited employment opportunities, the extant prior approval and the condition of the building, it is considered that the benefits of increasing housing provision at this site should be deemed to outweigh the reduction of commercial floorspace. Therefore, on balance, the principle of the ground floor B1(a) office floorspace with residential development above, is found to be acceptable.

Dwelling Mix

- 4.8 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seek to promote a mix of dwellings types and sizes as detailed below. The relevant dwelling mixes required by the abovementioned policy and proposed by this application are shown in the table below.

Dwelling size: No bedrooms	1-bed	2-bed	3-bed	4-bed
Policy Position (Market Housing)	9%	22%	49%	20%
Proposed	0%	100%	0%	0%

- 4.9 It is therefore the case that the proposed development would not provide a development that would entirely reflect the Borough's housing need and housing demand as set out in Policy DM7 of the Development Management Document DPD2.
- 4.10 The proposal would result in 16 no. 2 bedroom flats. Whilst the proposed development does not fully accord with requirements of Policy DM7, the applicant has submitted evidence from local estate agent and viability assessment demonstrating that the market trend in the area is mainly for 2 bed units, when this relates to flatted schemes. Paragraph 50 of the National Planning Policy Framework states that '*plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community*'. Therefore, the dwelling mix, as proposed, on balance, taking into account the market need in the area and the fact that it is a relatively small scheme, is considered acceptable.

Design and Impact on the Character of the Area

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management) policies DM1 and DM3 and the Design and Townscape Guide.

- 4.11 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to "*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*" Paragraph 56 of the NPPF states; "*the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*" Paragraph 64 of the NPPF states; "*that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*"

- 4.12 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.13 Policy DM3 states that *“The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.”* Moreover, policy DM1 states that development should *“Add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.14 This section of London Road has a varied character, and is generally mixed use including commercial units and residential properties. To the immediate east of the site, at 175 London Road a five storey mixed use development of 27 flats is currently under construction (planning references: 11/00307/OUTM and 14/00499/RESM). To the west of the site is a three storey building with residential flats to the first and second floor and retail to the ground floor.
- 4.15 In terms of scale, the building would be up to five storeys high with a height of 15.1m to 16.7m, which is the same as the adjacent development at 175 London Road. The height of the building would reflect the importance of London Road as a main road, and is considered appropriate. It would be seen against the backdrop of the telephone exchange building to the north. In light of this, the overall scale of the building, which is considered to be appropriate in the commercial, central location is considered acceptable.
- 4.16 In terms of design and appearance, the building would be a simple contemporary design. The design uses stepping of the building and balconies to break up its massing and repetitive mono-pitched roof/framing feature to add interest to the streetscene. This approach breaks up the mass of the development and provides an attractive elevation. The overall design approach reflects the development under construction at 175 London Road including choice of materials. It should be noted the buildings are separated by 0.1m. Indicative details of the proposed materials to be used in the construction of the development have been submitted for consideration within the Design and Access Statement include white render, grey brick to the elevations, Marley Eternit grey cladding, powder coated aluminium doors and windows, single ply roofing and the paving area will have Drivesett Tegula Priora, Pennant Grey. The overall appearance in terms of the detailing and materials should make a positive contribution to the streetscene, complimenting the development to the east of the site at 175 London Road and to help to mark the approach to Southend town centre. This design approach is considered acceptable on this main artery into the town, where buildings of various designs and ages exist. The immediate area does not have a strong uniform character and the proposed scheme has the potential to improve and create local character in accordance with current planning policy.

- 4.17 With respect to the overall layout, 16 flats can be satisfactorily accommodated within the envelope of the building, along with the ground floor commercial space proposed. The floorplans submitted indicate all units would be of a reasonable size and have sufficient circulation space, outlook and balconies.
- 4.18 The proposed layout would be set on roughly the same building line as the adjacent office building, although the first floor would include an overhang. It would not appear over dominant within the streetscene. The general layout of the site would respond well to its context and largely conceal the proposed parking area to the rear of the site.
- 4.19 The position and size of refuse stores and cycle stores are shown on the plans. A residential bin store, commercial bin store and cycle store can be adequately accommodated to the rear of the building, and accessed from the rear parking area.
- 4.20 The residential entrance is shown off London Road and North Road and clearly separate from the entrances to the two commercial areas, which is sufficient. The parking area for 10 vehicles and cycle storage will be accessed from North Road to the west of the site.
- 4.21 In terms of landscaping, no details have been submitted for consideration however, this could be dealt with by condition to require suitable hard and soft landscaping to be carried out, although it is noted that there is little space for soft landscaping exception on the roof terrace.

Impact on Residential Amenity.

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1 and DM3 and Design and Townscape Guide.

- 4.22 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

“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;”

- 4.23 To the east of the site 175 London Road, is currently under construction to erect a five storey building containing 27 flats (11/00307/OUTM). The development at 175 London Road will have an overall depth of 21.9m (excluding the amenity area at first floor to the rear, whereby the overall depth of the building is 29.4m), this development will have an overall depth of 20m. In terms of impact on residential amenity, it is not considered the proposed development will affect the amenities of future occupiers at 175 London Road taking into account the development at 177 London Road is set 1.9m behind the rear of the balconies serving no. 177 thus will not result in an overbearing form of development, overlooking or loss of privacy.
- 4.24 It is noted on the approved plans of 175 London Road (11/00307/OUTM) there are high level and obscure glazed windows serving the kitchens on the side elevation of that development. Given the separation distance of 0.1m from the proposed development to 177 London Road the windows would not be afforded amenity of natural light. The development is currently under construction and buyers will be aware of the future development at 177 London Road prior to choosing to purchasing flats on the western boundary of 175 London Road. Whilst the light will be reduced to the kitchen areas, they are served by primary windows to the north and west respectively dependant on the flat.
- 4.25 To the west of the site is 179-187 London Road (Harwand House), has a vacant retail use to the ground floor and the upper floors have been converted into residential flats. The windows nearest to the eastern boundary abutting 177 London Road serve a staircase and lobby (non-habitable rooms) and whilst the proposed building projects beyond the rear wall it is not considered the proposal will result in any material harm in terms of overlooking, loss of privacy, sense of enclosure or an overbearing form of development.

Standard of Accommodation:

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.

- 4.26 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:
- Minimum property size for residential units shall be as follow:
 - (a) 2 bedroom (3 bed spaces) 61 square metres
 - Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.

- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity : Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m².
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.27 The proposed flats would be built to the dimensions that have been set out at paragraph 1.4 above. Bedrooms and main living areas are served by windows to provide adequate natural light and outlook. Refuse and cycle storage facilities are provided. The proposal is therefore considered to be in accordance with the abovementioned policies and guidance.

4.28 With regard to external amenity space, a communal garden area is proposed to provide amenity space for the flats that would have an area of 131 square metres, although it is noted that with the planting as shown on drawing 703.203.00 it equates to 124.5sqm. This amounts to 7.7sqm of shared amenity space per flat. In addition to this shared provision, all 16 flats would also be served by balconies which, when combined with the communal terrace, would ensure that the overall provision of amenity space at the site would be appropriate for the occupants of the proposed flats. Taking into account the unit sizes of the flats, and given large gardens are not characteristic of the area and are not commonly found in central or town centre locations generally. Taking into account all of the above points, the level of amenity space proposed is considered acceptable.

- 4.29 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. Policy DM8 also requires that 10% of dwellings in 'major applications' should be built to be wheelchair accessible. The applicant's planning statement sets out that the units have been designed to accord with these standards. It is therefore considered that, subject to the imposition of a condition to ensure compliance with the standards, no objection is raised to the application on those grounds.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.30 The application includes for 10 parking spaces to serve 16 flats. No spaces are proposed to serve the commercial units.
- 4.31 The site is considered to be within a sustainable location, close to the town centre, on a bus route, and close to the station, in such locations policy DM15 of the Development Management Document seeks 1 space per flat and a maximum of 1 space per space 20sqm for B1 standard needed. This would equate to a maximum requirement of 22 spaces. The National Planning Policy Framework advocates the need for a reduction in parking levels where the site is in a sustainable location and part 6 of policy DM15 of the Development Management Document states:

“Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.

Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.

- 4.32 This site is well placed in relation to the town centre, schools and public transport links. There is also a large public car park to the rear of the site that is rarely at capacity. Car-free commercial space is common in town centre locations, and is considered acceptable here, just outside Southend town centre.
- 4.33 In the case of the residential element, there would only be a shortfall of 6 spaces. This is a low provision; however car free housing has been permitted elsewhere in the town centre. Only 6 parking spaces would be required for the B1 premises. It is not considered the development would result in increased on-street parking as there is little availability for on-street parking within the vicinity of the site. Both London Road and Brighton Road have parking restrictions in place. The applicant contends future occupiers of the site are likely to rely on public transport given the bus services available on London Road and two railway stations are within walking distance to Southend Central Station and Southend Victoria Station. The proposal also includes provision for cycle storage to the rear of the building,

which will be dealt with by condition to ensure the proposal is policy compliant. The Councils Highways Officer has raised no objection given the site is within a sustainable location with access to public transport and amenities.

- 4.34 The main access to the site remains off North Road, rather than London Road and thus complies with highway safety and efficiency in accordance with policy CP3 of the Core Strategy and policy DM15 of the Development Management Document, enabling cars to exit in forward gear.
- 4.35 In terms of servicing, there are currently restrictions in place on London Road to the front of the site, however there is sufficient space to the immediate west of the site for unloading and loading of goods, therefore no objection raised. Waste is to be collected to the rear of the site and full details will be required to understand however, refuse will be collected given it falls outside of the collection distance as set out in the Councils Waste Management Guide.
- 4.36 Subject to the above, the proposal is considered to comply with the relevant highways policy in terms of access and level of parking provision, servicing and cycle/refuse storage.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policies DM1, DM2 and DM14 and SPD1

- 4.37 Policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”* and that *“at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.38 No details of renewable energy have been provided, however it is considered that the submission of details to address the abovementioned requirement should be secured through the imposition of a condition.
- 4.39 The site is located in flood risk zone 1 (low risk). 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. A condition will be imposed to ensure the proposed development will incorporate surface water drainage measures.
- 4.40 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this would be dealt with by conditions recommended if the application is deemed acceptable.

Community Infrastructure Levy

- 4.41 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development would create 1090 square metres of residential floorspace and 114 square metres of commercial floor space and this would result in a net increase in gross internal area of 837 square metres (taking into account a deduction of 367square metres for existing 'in-use' floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £22 per square metre and the rate for commercial development is £11 per square metre. Therefore, this equates approximately to £16,867.54.

Planning Obligations

- 4.42 The 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 the provision of affordable housing. It would usually be required for 20% of the units at the site to be affordable housing provision.

- 4.43 The applicant has submitted a viability statement in support of the application. This states that the proposed scheme cannot support any affordable housing as it generates a deficit of £0.45m. The Councils have carried out an independent assessment which concludes that the proposed scheme generates a deficit of £0.13. Therefore it is accepted that the scheme cannot support any affordable housing.
- 4.44 Therefore, in light of the above, it is accepted that an affordable housing contribution cannot be justified in this particular case.

Other Matter

- 4.45 It is considered that a condition is necessary to be imposed to address the matter of contaminated land and ensure that this issue is given suitable assessment, consideration and mitigation as may be required.

Conclusion

- 4.46 Having taken all material planning considerations into account, it is found that subject to compliance with the proposal conditions, the development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. Whilst the loss of the existing offices is regrettable, a mixed use development including some commercial space and much needed additional housing, in this location is welcomed.

The proposed development by reason of its design, scale, and layout would be an acceptable addition within the streetscene maintaining the overall character and appearance of the surrounding locality, while providing adequate amenities for future occupiers and protecting the amenities of neighbouring properties. Whilst there is a shortfall of parking the applicant has demonstrated the site is within a sustainable location and therefore greater flexibility can be applied. The application is therefore recommended for approval.

5 Planning Policy Summary

5.1 National Planning Policy Framework

5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP1 (Employment Generating Development); CP2 (Town Centre and Retail Development) CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision)

5.3 Development Management DPD 2015: Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), Policy DM11 (Employment Areas), Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009

5.5 SPD2 Planning Obligations 2010

5.6 Community Infrastructure Charging Levy

5.7 Emerging Southend Central Area Action Plan.

6 Representation Summary

Design and Regeneration

6.1 No comments.

Traffic and Transportation

6.2 There are no highways objections to this proposal, 10 car parking spaces have been provided for the development. Whilst there is a shortfall the proposed parking provision is considered acceptable in this sustainable location with good transport links and public car parks in close proximity.

The car park layout allows vehicles to enter manoeuvre and exit in a forward gear, 100% parking has also been provided.

Environmental Health

- 6.3 No objections subject to conditions relating to construction/demolition hours, and burning of waste.

Airport Director

- 6.4 Our calculations show the given position and height will have no effect on our operations. We therefore have no safeguarding objections.

Essex County Fire & Rescue

- 6.5 Access for fire purposes is generally considered satisfactory. More detailed observations will be made at the Building Regulations stage. The applicant is reminded that additional water supplies for fire fighting may be necessary for this development.

Essex and Suffolk Water

- 6.6 Our records show that we do not have any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

7 Public Consultation

- 7.1 Site and Press notices posted and 35 neighbouring addresses notified by letter. No responses received.

8 Relevant Planning History

- 8.1 Change of use from offices (Class B1) to eight self-contained flats (Class C3) (Prior Approval)- Granted (16/01059/PA3COU)

9 Recommendation

Members are recommended to:

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02** The development shall be carried out in accordance with the approved plans: 703.200.01 Site and ground floor plan proposed; 1703.201.00 Third and Fourth Floor; 703.203.00 Site and roof plan proposed; 703.204.00 Streetscene and sections proposed; 703.205.00 Proposed elevations; 703.206.00 Proposed Site Waste Management Plan, 703.207.01 third and fourth plan; 703.001.00.

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

- 03** Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening and fenestration, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before it is occupied.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management DPD 2015

- 04** No construction works above the floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; external amenity areas minor artefacts and structures (e.g. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.) Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied or brought into use.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

- 05** The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 703.200.01 for 10 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management 2015.

- 06 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.**

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policies DM1 and DM15 of the Development Management DPD 2015.

- 07 The development shall not be occupied until details of 16 secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the office floorspace have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be retained thereafter.**

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015.

- 08 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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 and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: In the interests of visual amenity and protecting the amenities of occupiers of neighbouring properties in accordance with policy KP2 and CP4 of the Core Strategy DPD1 and policies DM1 and DM3 of the Development Management DPD 2015.

- 09** Before the B1 (a) use hereby permitted is occupied, details of any extraction/ventilation equipment to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the use class B1 space is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

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

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 11** The Class B1(a) use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 12** No deliveries or refuse collection shall be taken at or despatched from the Use Class B1 unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 13** Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of any land contamination present has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority.

The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins. The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with DPD1 (Core Strategy) 2007 policy KP2 and Policies DM1 and DM14 of the Development Management DPD 2015.

- 14 No construction works shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works based on Sustainable Urban Drainage (SUDS) principles have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details before the development is occupied and brought into use and thereafter be managed in accordance with those details. Those details shall include:
- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
 - ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

- 15** Details of any external lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority before the development is occupied or the lighting is brought into use. The development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the site without the prior consent of the Local Planning Authority.

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and with CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 16** A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

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

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

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

Reason: In order to protect the character and visual amenities of the development and surrounding area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 19 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being maybe in force, the commercial floorspace hereby approved shall be used only for purposes falling within Use Class B1(a) and for no other purpose including any within Classes A1, A2, A3, A4, A5, B8, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).**

Reason: In order to retain B1 (a) employment floorspace and protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with Policies CP1, KP2 and CP4 of the Core Strategy DPD1 and Policies DM1, DM11 and DM3 of the Development Management DPD 2015.

- 20 Before it is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 14 flats comply with building regulation standards part M4(2) 'accessible and adaptable dwellings'.**

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, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

Informative

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.**

You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

- 2 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**
-