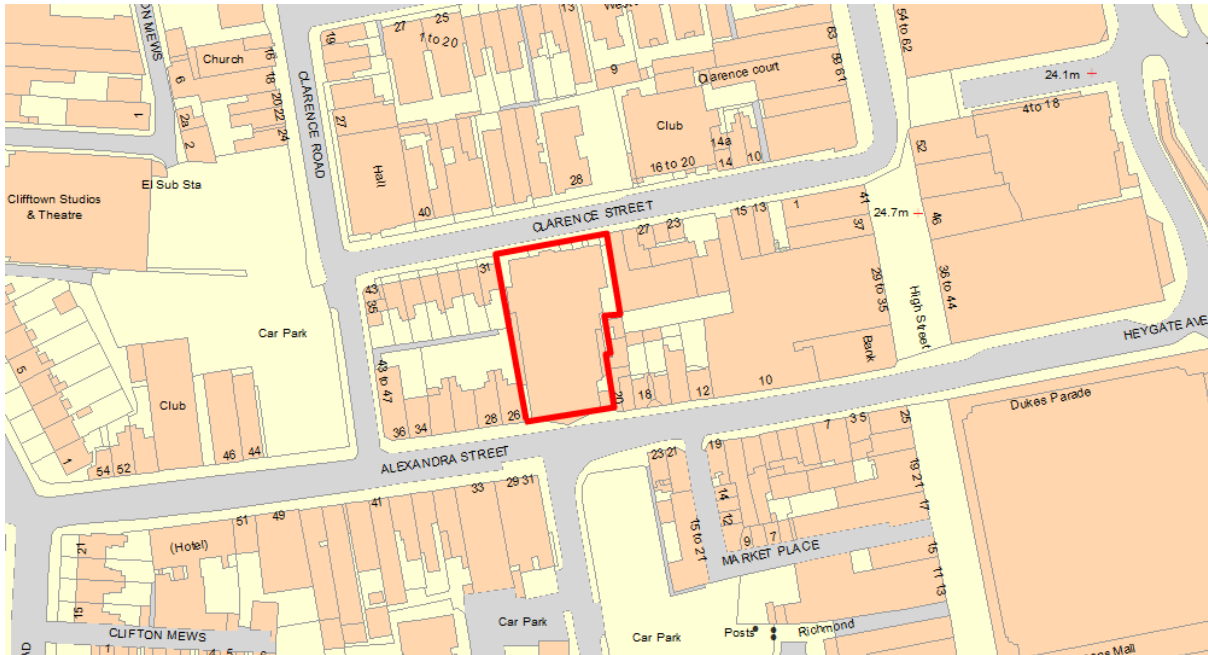


Reference:	17/01319/FULM	
Ward:	Milton	
Proposal:	Erect four storey building comprising 24 self-contained flats with balconies and terraces, associated amenity space, form parking, form commercial units (Use Classes A1, A2 and A3) and a non-residential institution unit (Class D1) fronting Clarence Street at ground floor level	
Address:	Empire Theatre, Alexandra Street, Southend-On-Sea, Essex, SS1 1BU	
Applicant:	Sky Eagle Properties Limited	
Agent:	Phase 2 Planning	
Consultation Expiry:	23.08.2018	
Expiry Date:	29.06.2018	
Case Officer:	Janine Rowley	
Plan numbers:	1267-01 Revision B; 1267-09; 1267-10 Revision J; 1267-11; 1267-12; 1267-13; 1267-14; 1267-15; 1267-24 Revision H; 1267-25 Revision G; 1267-03 Revision M; 1267-04 Revision L; 1267-05 Revision H; 1267-06 Revision H; 1267-27 Revision A; 1267-50 Revision C	
Recommendation:	Delegate to the Director of Planning and Transport or the Group Manager Planning and Building Control to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).	



1 The Proposal

- 1.1 Planning permission is sought to erect a maximum four storey building comprising 24 self-contained flats (10 x 1 bedroom, 12 x 2 bedroom, 2 x 3 bedroom) with balconies and terraces, associated amenity space, form parking accessed from Clarence Street, form ground floor commercial units (Use Classes A1, A2 or A3) fronting both Alexandra Street and Clarence Street and the creation of a non-residential institution unit (Class D1) fronting Clarence Street at ground floor level.
- 1.2 The application site is mainly rectangular in shape, and a maximum of 31m wide by 46.5m in depth. The proposed building would be a maximum of 19.8m wide fronting Alexandra Street and 25.7m to 27m wide fronting Clarence Street by 47m deep, with a height of 10.8m fronting Clarence Street and 13.1m fronting Alexandra Street.
- 1.3 The building would include glazing and shop fronts to the ground floor, for the proposed commercial uses fronting Clarence Street and Alexandra Street, while the upper storeys would have windows and balconies. The building would be four storey fronting Alexandra Street to the south reducing to three storeys fronting Clarence Street to the north.
- 1.4 257sqm of commercial floorspace is proposed at ground floor level to be used flexibly within use classes A1, A2 and A3. This is split into two separate units fronting Alexandra Street and one unit fronting Clarence Street. In addition, 150sqm of community use floorspace is proposed in a unit fronting Clarence Street. Public realm improvements are proposed to an existing passageway to the east of the site linking Alexandra Street and Clarence Street. The passageway forms part of the site edged red and is a public right of way. The sites frontage onto Alexandra Street is over sailed by a first floor element of the adjoining building to the east (20 Alexandra Street).

1.5 The internal floorspace of the proposed flats are as follows:

Apartment number	Type of apartment	Internal area (m ²)
1	1 bedroom	76.9
2	2 bedroom	69.5
3	2 bedroom & balcony	67
4	2 bedroom	81.3
5	1 bedroom	53.2
6	1 bedroom	53.2
7	1 bedroom	50
8	2 bedroom & balcony	72.3
9	2 bedroom	73.2
10	1 bedroom	68.5
11	1 bedroom	76.9
12	2 bedroom	69.5
13	2 bedroom & balcony	67
14	2 bedroom	81.3
15	1 bedroom	53.2
16	1 bedroom	53.2
17	1 bedroom	50
18	2 bedroom & balcony	73.2
19	2 bedroom	67
20	1 bedroom	68.5
21	2 bedroom	78
22	2 bedroom	68.6
23	3 bedroom & balcony	97
24	3 bedroom & balcony	88

1.6 Communal roof terraces are proposed, 44sqm to the first floor and 81sqm to the third floor. Six of the flats have separate balcony areas fronting either Clarence Street or Alexandra Street.

1.7 8 car parking spaces are proposed and these are served via a new vehicular access onto Clarence Street. A lift is proposed to access the whole building. Cycle and refuse storage is proposed on the ground floor of the building. Separate residential and commercial stores are proposed.

1.8 Materials proposed are:

- Red Brickwork
- Sandstone detailing
- Black Aluminium windows, external doors and coated metal canopies, fascia and commercial glazing

1.9 The previous building to occupy the site the Empire Theatre has since been demolished and the site remains vacant (16/01495/DEM).

2 Site and Surroundings

- 2.1 The site is located within the town centre and has a dual frontage along Alexandra Street to the south and Clarence Street to the north. The site is identified as being within the Southend Central Area with the southern half of the site (Alexandra Street) being included within the 'Southend Town Centre Primary Shopping Area' as defined by Southend's Development Management Document and Southend Central Area Action Plan. The Alexandra Street frontage is also designated as a 'Secondary Shopping Frontage'.
- 2.2 The streetscene along Alexandra Street is characterised by three storey properties with commercial premises to the ground floors and a mix of commercial and residential to the upper floors. Directly opposite the site is a public car park. To the east of the site is Southend High Street. To the north of the site fronting Clarence Street the properties to the east and west are designated as part of a 'Frontage of Townscape Merit' as set out in the Development Management Document. They are predominantly two storeys in height but with half level basements such that they are 2 ½ storey in scale. Clarence Yard to the immediate east of the site is a locally listed building.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, including whether it is sustainable development, design and impact on the character and appearance of the area, impact on neighbouring occupiers, standard of accommodation for future occupiers, traffic and highways, sustainable construction, CIL and developers contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP2, CP3, CP4, CP6 and CP8; Development Management Document (2015) Policies DM1, DM3, DM5, DM7, DM8, DM11, DM13 and DM15 and the Design and Townscape Guide (2009), Southend Central Area Action Plan SCAAP (2018)

Loss of recreational use

- 4.1 Paragraphs 69 and 70 of the National Planning Policy Framework 2012 recognise the role of social, recreational and cultural facilities in facilitating social interaction and creating healthy, inclusive communities.
- 4.2 Core Strategy policies CP6 and CP7 seek to maintain and improve leisure facilities unless other facilities of a higher standard are being provided in a conveniently accessible location for the local community.
- 4.3 Policy CP7 of the Core Strategy focuses on safeguarding sport, recreation and green space including bowls clubs, tennis clubs, allotments, parks and sports pitches. There are no specific policies contained within the Development Management Document that are relevant to leisure facilities

other than paragraph 4.4 which seeks to promote Southend on Sea as a major tourist destination and notes it has long had a leisure and cultural infrastructure of regional significance.

- 4.4 The former use of the building on this site had been for leisure purposes and as such it is considered that the use of the site represented a recreational facility. Accordingly, as referred to above, due weight will be applied to this factor in the determination of this application in accordance with Policy CP6 of the Core Strategy which states that:

“New development should demonstrate that it will not jeopardise the Borough’s ability to improve the education attainment, health and well being of local residents and visitors to Southend. This will be achieved by safeguarding existing and providing for new leisure, cultural, recreation and community facilities.”

- 4.5 Policy PA6 of the adopted Southend Central Area Action Plan (SCAAP) relating to the Clifftown Policy area, which is part of the wider Southend Central Area states that the Council will *“promote independent small-scale retail, boutiques, cafés, restaurants, bars and small studio style workshops to create an area with a strong cultural identity together with residential uses above ground floor level to reinforce the fine grain historic street pattern and character.”* With respect to this site it is noted that part 2 C of Policy PA6 states that the Council will seek to *“regenerate the site of the Empire Theatre with uses that contribute to the Policy Area’s aim, including cultural uses such as galleries and performance space, particularly at ground floor to create an active frontage”*.

- 4.6 The proposal includes 150sqm floorspace for a community use fronting Clarence Street. The unit will enable flexible community use taking into account the size and layout and would present an active street frontage. Policy PA6 of the Development Management Document does not have a defined figure for situations when replacement floorspace is being sought. Compared with the nature of the previous use solely as a cinema, this proposal will enable the development to accommodate a number of different community uses or groups thereby fulfilling the Councils aspirations of delivering cultural uses in accordance with the objectives of Policy PA6 of the Southend Central Area Action Plan. This element of the proposal is therefore found to be acceptable and policy compliant.

- 4.7 The southern part of the site fronting Alexandra Street is located within a secondary shopping frontage and Policy DM13 of the Development Management Document states that *‘All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.’*

- 4.8 The proposed commercial and community uses (Classes A1, A2, A3 and D1) fronting Clarence Street and Alexandra Street would provide an active frontage and a continuation of the link between Alexandra Street and the High Street to the east. The provision of residential uses to the upper floors would be compatible with the adjacent sites to the east and west, which are characterised by commercial premises to the ground floors and residential above.
- 4.9 The proposed development will enhance the appearance of this currently vacant site and bring it back into beneficial use providing a mixed use development with commercial units to the ground floor which are appropriate in this secondary shopping frontage to the southern part of the site, a community use fronting Clarence Street and residential units to the upper floors making efficient use of the land. The mixed use nature of the development would introduce activity throughout the day and into the evening thereby improving the sites contribution to the vitality and natural surveillance of the site's peripheries including the public right of way to its east side. The proposal is considered to be policy compliant in regard to the nature and mix of uses thereby meeting the Councils development plan policies with particular reference for Clifftown.

Residential Use and efficient use of the land

- 4.10 One of the Core Planning Principles of the National Planning Policy Framework is 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"*.
- 4.11 The issue of meeting challenging targets on provision of new homes against a background of limited land resource within the borough is recognised by strategic policies in the Core Strategy as follows.
- 4.12 Policy CP8 of the Core Strategy identifies that 6500 dwellings will be provided within the Borough over the plan period. The policy also identifies that 80% of residential development should occur on previously developed land, such as the application site.
- 4.13 Policy CP8 of the Core Strategy also states that the Council will enter into negotiations with developers to ensure that all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on the site.
- 4.14 Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend amongst other things by maximising the use of previously development land. The effective and efficient use of land is also sought by Policy DM3 of the Development Management Document. This confirms 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.

- 4.15 The site is located within the Southend Central Area and Policy CP8 identifies that, over the plan period of the Core Strategy (2007), 2000 dwellings will be provided within the Town Centre and Central Area. From this basis it is considered that no objection should be raised to the principle of incorporating residential uses as part of a mixed use development of the site.
- 4.16 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	42%	50%	8%	0%

- 4.17 The proposed development would not entirely reflect the Borough’s housing need and housing demand as set out in Policy DM7 of the Development Management Document but the considerations below are relevant.
- 4.18 The planning statement accompanying this application states *“As this proposal relates to apartment units only and is situated in a central urban town centre location the need and desirability for larger family units is far less than for less central locations. Therefore the proposed dwelling mix has been revised accordingly taking into account the nature of development in the location proposed. Surrounding building types also do not provide an appropriate context for larger family units to be included within a scheme hence the current mix proposed. A range of dwelling types are to be provided enabling greater choice for people seeking to live and work in Southend and will therefore also support economic growth”*.
- 4.19 The planning statement goes on to state that the Council’s evidence base in its Strategic Housing Market Assessment (May 2016) advises in terms of housing mix requirements that:

“8.34 This contrasts with Southend-on-Sea, where around a third of additional demand could relate to flats. This reflects the younger demographic of the borough, who are more likely to occupy this type of property, but is also a consequence of the sizeable projected growth in the number of older residents, who also show a tendency towards occupying flatted accommodation”.

- 4.20 In light of above, taking into account the location of the site within the Southend Central Area, the aspirations of delivering housing in accordance with Policy CP8 of the Core Strategy and the aspirations of the Southend Central Area Action Plan, the dwelling mix, as proposed, is considered acceptable taking into account the circumstances of this specific application.
- 4.21 The proposal is therefore considered to be acceptable and policy compliant in these regards.

Design and Impact on the Streetscene

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4; Development Management Document (2015) Policies DM1, DM3, DM5 and the Design and Townscape Guide (2009)

- 4.22 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and to complement the local character.
- 4.23 The Design and Townscape Guide paragraph 2009 states:

“Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle”.

- 4.24 Where such development is acceptable in principle, the Design and Townscape Guide states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm. The site and immediately neighbouring premises are not in a Conservation Area or statutorily listed. In principle the redevelopment would respect the existing local grain if carried out in a manner which satisfactorily compliments the character and amenity of the locality.

- 4.25 In terms of the layout of the development, the existing site contains an adopted public right of way linking Alexandra Street to the south and Clarence Street to the north. This pedestrian link is to be enhanced as part of the proposed development. The buildings ground floor layout is 'L' shaped and the building line respects the properties to the east and west in Clarence Street to the north and Alexandra Street to the south. A landscaped public realm area is proposed to the east of the site alongside the existing passageway linking both Clarence Street and Alexandra Street for future users of the site and the general public. Full details of the treatment for the public realm area can be controlled by condition. The vehicular access point is sited to the north of the site in Clarence Street and the onsite car park is located to the centre of the site not visible from the street.
- 4.26 Existing Clarence Street properties are 2 ½ storeys in scale and the scale of the proposed development at this point would read as three storeys set 9.2m high adjacent to no. 31 to the west rising to 10.8m, then lowering to 9.7m adjacent to Clarence Yard to the east which is locally listed. The scale on this Clarence Street frontage references the lower context of the buildings here and would not harm the character of Clarence Yard, so no objections are raised on that basis. To the south of the site the scale of the building is four storeys and taking into account the scale of the previous building on site and predominantly 3 storey scale of Alexandra Street here it is considered that the proposed building would relate satisfactorily to the scale of buildings along this part of Alexandra Street.
- 4.27 The proposed development has respected the building line in Alexandra Street and provides a transitional building line between the neighbouring properties either side in Clarence Street. The design draws reference from a traditional industrial warehouse architectural form incorporating tall windows and vertical brickwork which will provide articulation and visual interest to the proposed development. It also pays loose reference to the large, visually strong brick built functional appearance of the former cinema. The detailing of the elevations including balconies and articulation of the façade through the use of materials and openings references the finer grain and richer detailing of adjacent buildings to the north and south of the site respecting the streetscene and enhancing the character and appearance of the streetscene and surrounding area including the 'Frontage of Townscape Merit' along Clarence Street and 'Clarence Yard'. The development would suitably complement the architectural finesse and appearance of the surrounding buildings in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3 and DM5 of Development Management Document and the advice contained within the Design and Townscape Guide.
- 4.28 The inclusion of roof terraces will not appear at odds with the surrounding area and further details would be controlled by condition.

- 4.29 Overall this proposal is considered to be appropriately scaled for this location and adequately designed and detailed from an aesthetic perspective. It is therefore considered to be acceptable and policy compliant in these regards.

Impact on Neighbouring Occupiers

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3, and the Design and Townscape Guide (2009)

- 4.30 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”

Physical impact, light, overlooking

- 4.31 With regard to the impact on the neighbouring property to the east (No. 20a, 20b and 20 Alexandra Street), the ground, first, second and third floors of the proposal would be set 3.6m away from that property’s flank elevation. This is considered acceptable when taking account of the scale and height of the former, demolished former cinema building (which was 12.1m high on the boundary with no. 20) and the nature of the immediate site context. The proposed height of the building adjacent to no. 20a, 20b and 20 Alexandra Street is 11m. It is considered that the separation distance would be sufficient to mitigate against any materially overbearing impact on the neighbours to the east.
- 4.32 Windows are proposed to the east elevation of the new development at first and second floor serving non habitable rooms including a kitchen and bathroom. Flats 1 and 11 benefit from oriel windows to the kitchen and a high level window to the bathroom. A condition can be imposed to ensure obscure glazing is provided to windows as appropriate.
- 4.33 In relation to the balcony at third floor serving flat 24, although a low black metal balustrade is proposed to the balcony, further details of a privacy screen and landscaping buffer are proposed to be controlled by condition to mitigate against any potential overlooking or loss of privacy for 20 Alexandra Street. Subject to the measures above it is considered that the impact would be acceptable. The adjacent property has an existing terrace accessed from the roof. It is not considered that use of this would be materially harmed by the proposed development, in terms of undue dominance or material loss of light to an extent that would justify a refusal of planning permission.
- 4.34 The proposed development would be sited 1m from the boundary with no. 26 Alexandra Street to the west of the site. Taking into account the height of the former building on site and the sites context, it is not considered that the proposed development would be materially overbearing cause unacceptable levels of enclosure nor result in material loss of light to the residential

amenities of those properties. There are a number of windows proposed to the west elevation serving habitable rooms of the proposed flats including oriel windows with one window to be obscured glazed and the remainder of the flush windows to be 1.7m to the cill level. Appropriate conditions can be imposed to mitigate against any potential material harm.

- 4.35 The height of the building fronting Clarence Street is 9.7m adjacent to Clarence Yard to the east, set 1.7m to 2.4m from the boundary. There are no windows to the flank elevation of Clarence Yard. Windows are proposed to the east elevation but subject to appropriate conditions the impact here can be satisfactorily controlled. It is not considered that the proposed development would result in material harm in terms of an overbearing impact, loss of privacy, daylight or overlooking to the amenities of properties to the east of the site in Clarence Street. To the west in Clarence Street the development is set 1.7m from the boundary with number 31. A recent application to erect a three storey extension to provide 3 flats (17/01710/FUL) has been granted planning permission there and this proposal would not affect future occupiers in terms of material harm through overlooking, loss of privacy, or an unduly overbearing impact. As such, it is not considered that the proposal would result in material harm to the residential amenity of nearby neighbours to the west and east, in any respect.
- 4.36 With regards to potential overlooking and loss of privacy from communal amenity decks, roof terraces and balconies, 1.8m high obscure screens and appropriate landscaping, can be controlled by condition.

Commercial Use

- 4.37 There is no amenity based objection in principle to the introduction of a mix of uses ranging from A1, A2, A3 and D1 in this town centre location as it is not considered that such uses would have an adverse impact on the amenities of neighbouring occupiers and suitable conditions can reasonably control potential noise and disturbance.
- 4.38 In light of the above, is not considered that the proposed development would not be detrimental to the amenities of neighbouring occupiers and satisfies the policies detailed above in these regards.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework (2007), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015), the Design and Townscape Guide (2009), National Technical Housing Standards

- 4.39 Paragraph 17 of the National Planning Policy Framework 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”*.

- 4.40 The National Technical Housing Standards require minimum property sizes for residential units to provide an internal floorspace of 50sqm for a 1 bedroom (2 persons) unit, 61sqm for a 2 bedroom (3 person unit), 70sqm for a 2 bedroom (4 person unit), 74sqm for a 3 bedroom (4 person unit) and 86sqm for a 3 bedroom (5 persons) unit. The table at 1.5 of this report confirms that the proposal would satisfy these requirements.
- 4.41 Bedrooms and main living areas are served by windows to provide adequate natural light and outlook. A number of habitable rooms to the west elevation rely on oriel windows to reasonably respect the amenity of existing occupiers surrounding the site whilst providing sufficient outlook and daylight for future occupiers; this can be controlled by condition. Oriel windows are proposed to the east elevation serving kitchens. Windows serving flats 1 and 11 will not be restricted but there is a need to provide obscure glazing to the southern face of the oriel windows serving flats 10 and 20 to ensure the amenities of 20 Alexandra Street whilst maintaining sufficient outlook for future occupiers. This can be controlled by condition.
- 4.42 The layouts of the flats have been designed in a manner to ensure there is no interlocking, for example flats 3, 9, 13, 19 have 18.9m separation distance between the bedroom windows. This is sufficient to mitigate against overlooking and loss of privacy. The flats have been designed around the roof terrace at first floor to provide daylight and natural surveillance of the two stairwells and lift area, which is also replicated at second and third floor. The standard of accommodation will provide suitable outlooks and levels of daylight for all future occupiers.
- 4.43 A noise impact assessment has been submitted for consideration (carried out by Dbc Consultation Limited). There are specific mitigation measures identified in respect of enhanced glazing specifications, ventilation requirements including in-wall ventilators or mechanical rapid ventilation/cooling in accordance with Building Regulation BS8233:2014 to ensure all habitable rooms have adequate ventilation. This can be controlled by condition. The applicant has confirmed that the new development will meet parts M4 (2) and M4 (3) of the Building Regulations. This can be controlled by condition.
- 4.44 Adequate waste storage facilities, cycle parking and domestic storage facilities are proposed within the development and can be controlled by condition.

External amenity areas and balconies

- 4.45 The applicant has demonstrated that whilst some of the balcony areas and communal amenity space at second and third floor will be affected by noise from the surrounding highway network and uses, this would be reasonably expected given the urban location of the site within the town centre.

Amenity space provision

- 4.46 Whilst the Council has no set standard for amenity space, it is recognised that private outdoor space is an important amenity asset and all new residential units will be expected to have direct access to an area of private amenity space. This is recognised in Policy DM8 of the Development Management Document. Paragraph 4.43 of the Development Management Document states, “...*In the case of flats, balconies may take the place of a garden, although easily accessible semi-private communal areas will also be beneficial.*”
- 4.47 Six of the 24 flats benefit from a private balcony plus access to the communal amenity decks. The proposed balconies vary from 4sqm to 26sqm for flat 24. The communal amenity decks are 44sqm on the first floor and 81sqm to the third floor. The communal amenity areas will have 1.8m high screens to prevent overlooking of neighbouring properties and would be suitably landscaped. A lift runs through the full height of the building so all communal amenity decks are accessible to all occupiers.
- 4.48 Full details of hard and soft landscaping to the communal amenity decks can be required by condition.
- 4.49 Taken in the round, it is considered that the proposed development will provide an acceptable standard of accommodation and is therefore policy compliant in these regards.

Traffic and Transportation

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4, CP3; Policy DM15 of the Development Management Document (2015), the Design and Townscape Guide (2009)

- 4.50 Policy DM15 (Appendix 6) of the Development Management Document sets vehicle parking standards seeking a minimum of one space per flat, so 24 parking spaces would be required to meet current standards.
- 4.51 The proposed commercial space is described to be used flexibly from within any of Use Classes A1 (retail use), A2 (financial and professional services), or A3 (restaurants and cafes) (totalling 257sqm) and 174sqm to form a D1 use (e.g. art galleries, museums and public halls). The following maximum parking standards apply these uses:
- A1 (shops – food): 1 space per 18sqm (14 spaces).
 - A1 (shops – non food): 1 space per 35sqm (7 spaces).
 - A2 (Financial And Professional Services): 1 space per 30sqm (9 spaces)
 - A3 (Restaurants and cafes): 1 space per 6sqm (42 spaces)
 - D1 (Art Galleries / Museums / Public Halls); 1 space per 25sqm (7 spaces)

- 4.52 Eight parking spaces are proposed to be accessed from Clarence Street. The proposed siting of the new vehicle crossover will not result in loss of on street parking taking into account the double yellow line parking restrictions along the south side of Clarence Street.
- 4.53 No off-street parking is proposed for the non-residential premises. This is similar to the previous building on site which did not benefit from any on-site parking. Policy DM15 of Development Management Document states that more flexibility will be given dependant on how sustainably the site is located with access to public transport. Southend Central railway station to the north and the bus station to the south east are within reasonable walking distance of the site. Whilst the proposal will not provide 100% off street parking for the residential flats and none for the non-residential uses, taking into account the highly sustainable location of the site together with the amenities available in the High Street, access to the railway stations and main bus interchange no objection is raised on parking grounds. Furthermore, reference should be made to an appeal decision at 3-5 High Street (APP/D1590/A/14/2212527) where the Inspector concluded that no parking provision for 18 flats and commercial uses was acceptable taking into account the nearby car parks and level of accessibility to public transport which would constitute a satisfactory and convenient alternative provision to the car parking. A travel pack is required by condition to encourage modes of sustainable transport for future occupiers taking into account the location of the site in the town centre.
- 4.54 The application is accompanied by a Transport Statement, which has taken into account TRICS data and Census information. Based on the TRICS information the new 24 dwellings would generate 3 arrivals and 8 departures in the AM peak hour, and 7 arrivals and 3 departures in the PM peak hour resulting in a total of 11 two way vehicle trips in the AM peak hour period and 10 two trips in the PM peak hours. The proposed vehicle movements are equivalent to 1 vehicle movement every 6 minutes during the AM and PM peak hour periods. The level of trip generation is highly unlikely to result in a negative impact the local highway network.
- 4.55 With regard to cycle parking for the proposed flats, Appendix 6 of Policy DM15 of the Development Management Document requires one secure covered cycle parking space per dwelling. A secure covered cycle parking area will provide space for 24 cycle spaces and will meet the required standard.
- 4.56 In terms of cycle parking for the proposed commercial uses, Policy DM15 of the Development Management Document states 1 space per 400sqm for staff and visitors is required for A1 uses, 1 space per 100sqm for staff and 1 space per 200sqm for customers for A2 uses, 1 space per 100sqm for staff plus 1 space per 100sqm for customers for A3 uses and 1 space per 4 staff and visitor parking for use class D1. The applicant is providing 4 spaces for the non-residential floorspace, which complies with policy.

- 4.57 The position, siting and size of the refuse stores are considered to be acceptable. A waste management plan can be controlled by condition.
- 4.58 In light of the above, no objection is raised to the development on transport and highways grounds and it is found that the proposed development satisfies the policies detailed above in these respects.

Sustainable Construction

National Planning Policy Framework (2012); Core Strategy (2007) Policy KP2; Policy DM2 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 4.59 Paragraph 97 of the National Planning Policy Framework states that Local Authorities should promote energy from renewable sources. Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources.
- 4.60 Policy DM2 of the Development Management Document requires new development to be energy and resource efficient.
- 4.61 A Sustainability and Energy Statement carried out by Brooks Development dated 8th June 2017 has been submitted for consideration. The statement discusses a number of energy efficient measures to reduce carbon dioxide and the use of air to air heat pumps together with photovoltaic panels to be installed on the roof. Further details can be controlled by condition.
- 4.62 A Sustainable Urban Assessment carried out by Cannon Consulting Engineers demonstrates the proposed scheme allows for more than a 50% reduction in the calculated runoff rate generated from the site during a 1 in 100 year storm. The proposed surface water attenuation is sized to accommodate the 1 in 100 year storm plus a 40% allowance for climate change thereby reducing off-site overland flow rates from the site. The proposed redevelopment of the site does not increase the impermeable area and will not therefore increase the volume of runoff generated by the site during a 1 in 100 year storm, thus no objection is raised. This can be controlled by condition.
- 4.63 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 (lppd) (110 lppd 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 can be dealt with by condition.
- 4.64 Therefore, it is considered that the details of onsite renewables, drainage and water efficiency measures are acceptable and are policy compliant.

Other matters

Land Contamination

- 4.65 The Council's Environmental Health Officer states the site is in close proximity to potential contaminated land and a condition to address this is recommended.

External Lighting

- 4.66 Details of external lighting to the pedestrian access and public realm area between Alexandra Street and Clarence Street can be controlled by condition together with any other associated external lighting to the upper floors of the development.

Community Infrastructure Levy (CIL) Charging Schedule

- 4.67 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 application site is located within Zone 2 therefore a CIL rate of £36.12 per sqm is required for the residential development and £12.04 per sqm for the commercial uses. The proposed development equates to 462sqm of commercial floorspace equating to a CIL charge of £5561.77 and 1944.10sqm of residential floorspace amounting to a CIL charge of £70211.92. In total the proposed development would generate an approximate CIL charge of £75,773.69. However, the applicant can apply for social housing relief relating to the affordable housing units.

Planning Obligations

The National Planning Policy Framework (2012) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007) strategic objective SO7, policies KP3 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

- 4.68 *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."

4.69 Affordable Housing – Policy CP8 of the Core Strategy requires all new residential development of 10-49 dwellings to provide 20% on site affordable housing. The proposal complies with Policy CP8 of the Core Strategy by providing 5 affordable units. Strategic Housing have confirmed that in order to comply with Policy DM7 of the Development Management Document the following mix is proposed to be provided by the applicant:

- 3 x 1 bedroom dwellings - Affordable Rent
- 2 x 2 bedroom dwellings- Shared Ownership

This will be secured through an appropriate planning obligation. Strategic Housing have confirmed that the proposed affordable housing offer is acceptable, meeting both need and policy.

4.70 Education – Due to the increased demand on school capacity, a financial contribution of £9,042.42 (index-linked), will be required prior to commencement towards secondary education provision specifically for increased capacity at Eastwood Academy. This matter can be dealt with in the S106 agreement.

4.71 The Section 106 contributions proposed are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contributions that are set out above the development could not be considered acceptable. Therefore, if the S106 agreement is not completed within the relevant timescale the application should be refused. Recommendation to this effect is included within the recommendation in Section 10 of this report.

5 Conclusion

5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the proposed conditions the development would be acceptable and compliant with development plan policies and guidance. The proposed development would contribute to the regeneration of this part of Alexandra Street and Clarence Street by providing a mixed use development including retail, restaurant and community uses to the ground floor with residential units above. The proposed development by reason of its design and scale would make a positive contribution to the streetscene maintaining the character and appearance of the locality while providing adequate amenities for future occupiers, satisfactorily respecting the amenities of neighbouring properties and not resulting in any unacceptable

parking or highways impacts. Subject to prior completion of a legal agreement the application is considered acceptable and is therefore recommended for approval.

6 Development Plan

- 6.1 National Planning Policy Framework, 2012.
- 6.2 Core Strategy (2007) 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) and CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Historic Buildings) DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the town centre), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management).
- 6.4 Southend Central Area Action Plan (2015) Policy PA6 (Cliff town Policy Area Development Principles)
- 6.5 Design and Townscape Guide (2009)
- 6.6 The Community Infrastructure Levy Charging Schedule (2015)
- 6.7 DCLG Technical Housing Standards, 2015.
- 6.8 Waste Storage, Collection and Management Guide for New Developments (October 2014).

7 Relevant Planning History

- 7.1 Demolish existing building (Application for Prior Approval for Demolition)-Withdrawn (17/00762/DEM)
- 7.2 Demolish existing building (Application for Prior Approval for Demolition)-Prior approval granted (16/01495/DEM)
- 7.3 Change use of existing theatre (Sui Generis) to allow theatre to be used as a place of worship on Sundays between 8am - 2pm and 5.30pm - 11.30pm only (Sui Generis) (Amended proposal)- Granted (12/00454/FUL)
- 7.4 Alterations to exterior elevations and extend and enclose existing staircase-Granted (09/00810/FUL)

8 Representation Summary

Design and Regeneration

- 8.1 Comments from Design and Regeneration have informed revisions to the original submitted proposal and are reflected in the body of this report.

Highways

8.2 *Parking Provision*

8 car parking spaces have been provided for the residential element of the proposal which includes 1 disabled space.

No commercial parking has been provided for the proposal. Consideration has been given to the previous use which also did not benefit from parking provision.

24 secure residential cycle parking spaces have been provided which is policy compliant.

4 secure commercial cycle parking spaces have been provided which is policy compliant.

Given the sustainable location of the site with good links to public transport in close proximity a reduction in the vehicle parking requirement is considered acceptable. The site also benefits from having a number of town centre car parks within the local area. It should be noted that future occupiers will not be eligible for a town centre parking permit this should be an informative.

Traffic Impact

The applicant has provided TRICS data to demonstrate that the proposal will have a reduced impact in terms of trip generation when compared with the previous use. The applicant has also provided a robust transport statement which is considered acceptable in highway terms. The proposed application will not have a detrimental impact upon the public highway in the surrounding area.

Refuse

The refuse storage has been provided and is acceptable for residential and commercial waste collection. The applicant will be required to arrange alternative collection arrangements as the location is outside of current collection guidance.

Travel Packs

The applicant should provide travel packs for future occupiers to advise of

methods of travel in and around the borough.

Highway Access

The application would require the stopping up of an existing public right of way. Consideration has been given to this proposal and on balance the Highway Authority does not raise an objection to the stopping up of this right of way. Access can still be gained to Clarence Street and Alexander Street without being onerous to members of the public.

Given the above and the information supplied with the proposal there are no highway objections to this proposal.

Housing

8.3 Unit Summary

	Flats				Houses					Grand Total
	1 Bed	2 Bed	3 Bed	Total	1 Bed	2 Bed	3 Bed	4 Bed	Total	
Scheme	10	12	2	24					0	24
Proposed AH				0					0	0
Required AH	3	2		5					0	5

Affordable Housing: Provision

This development sits within 10-49 unit range, and therefore we expect 20% of the development to consist of affordable units. This represents a minimum of 4.8 units of affordable housing, to be provided as 5 units as affordable housing or 4 units of housing and a financial contribution of 0.8 units in line with the Interim Affordable Housing Policy.

Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is outlined below:

- 10 to 49 units = 20%,
- 50+ units = 30%

Affordable Housing: Dwelling Mix

In terms of dwelling mix the Strategic Housing Team will take into consideration Policy DM7 which outlines the Council's affordable dwellings mix. Furthermore, the current housing need as evidenced by the Council's Housing Register data (attached) is also taken into consideration when assessing proposed dwelling mixes.

It is clear from the current Housing Register data that there is a significant demand for affordable 1 and 2 bedroom dwellings. Furthermore Register

Providers have cited that 3 bedroom flats are not desirable or suitable affordable housing provision.

With the aforementioned in mind it is the Strategic Housing Team's recommendation that the affordable housing provision is comprised of 3 x 1 bedroom flats, and 2 x 2 bedroom flats.

Affordable Housing: Tenure

The tenure of the affordable housing should be provided as follows:

	No.
AH Units:	5
AR (60%)	3
SO (40%)	2

As indicated in the Development Management DPD Policy DM7 we would request tenure mix of: - 60/40% (60% rented, 40% intermediate housing).

Affordable Housing: Scheme Design

The affordable housing units must meet size standards outlined in the "technical housing standards – nationally described space standard"

<https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

Additional Comments

At the time of writing it is the preference of the Strategic Housing Team to ensure the affordable housing contribution is provided on site as we understand there is interest from at least one Register Provider operating within the borough and that discussions are ongoing.

Therefore it is the Strategic Housing Team's stance that the applicant should engage with local RP's to understand their requirements and the impact that may have on the schemes detailed design.

Education

- 8.4 All secondary schools within acceptable travel distance are oversubscribed. An expansion programme is currently underway within all the non-selective schools in Southend and any further developments with the area, even flats, will add to this oversubscription. A contribution towards the Secondary expansion of Eastwood Academy of £9,042.42 is therefore requested.

Environmental Protection

8.5 Noise

A noise assessment has been carried out by the applicant's acoustic consultant and noise mitigation measures have been proposed including a potential mechanical ventilation system, enhanced glazing and operating the building with windows closed to exclude external noise.

The assessment shows high noise levels arising from road traffic noise and external sources. The noise sources have been considered and are shown to exceed the day and night time background levels by between +24dB(A) to +26dB(A) which results in significant adverse impact to the future occupiers of the development. Therefore in order to achieve the internal ambient noise levels set out in British Standard 8233:2014 a number of mitigation measures are required.

At the detailed design stage appropriate mitigation must be given to ensure that cumulative noise levels in accordance with BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014, along with tonal and impulsive penalties where necessary. At that time further information would need to be submitted detailing compliance with the above and should include but not be limited to final glazing and ventilation details for approval.

Amenity Noise Levels

It is predicted within the noise assessment that amenity noise levels will exceed the WHO guidance of 55dBLAeq by more than 5dB(A). It is stated that in BS8233:2014 where amenity space near to strategic transport networks exceed relevant criterion, this should not present a constraint to the granting of planning permission. It should be noted however that there is a requirement for the development to be designed to achieve the lowest practicable noise levels possible.

Taking the above into account, it is recommended that any detailed design advice should include mitigation along the boundary of the site in particular those subjected to the higher noise levels, such as screening, to keep noise to a minimum. The report does not detail if in mitigation landscaping and fencing will be installed.

Plant

The report states in a number of areas that internal noise levels will only be achieved with windows shut however it is not clear if MVHR will be installed across the development. If MVHR is to be installed, external noise sources / or plant rooms associated with this system will need to be assessed where relevant in accordance with BS4142:2014 for day and night periods and compared with the background levels stated in the report. Appropriate mitigation should then be recommended as necessary.

Any mechanical extraction, ventilation or air conditioning plant associated with the retail and community uses would need to be carefully located and designed in order to prevent statutory noise nuisance. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5

metres from the ground floor façades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Construction

During the construction phase noise and vibration issues may arise which could lead to the hours of work being restricted. A construction management plan has been submitted and it details various measures and actions to be carried out to keep disruption to a minimum. These shall be implemented during the development phase. The developer should also consider control measures detailed in *Best Practice Guidance "The control of dust and emissions from construction and demolition"*.

Lighting

No details on external lighting for the development have been submitted. External lighting shall be directed, sited and screened so as not to cause detrimental intrusion of light into residential property

Contaminated Land

The site is in close proximity to a potential contaminated land. Therefore the developer needs to be made aware.

Energy

As the building will have to operate with windows closed to exclude external noise it will be necessary for the building to be provided with adequate means of ventilation to ensure that the building does not suffer excess heat gain during summer time particularly in heat waves.

[Officer Comment: Conditions are included in this report as appropriate].

Essex County Fire and Rescue Service

- 8.6 The existing statutory fire hydrants are considered to be within a reasonable distance of the proposed development.

Confirmation on whether a fire appliance is able to gain access to within 45m of all parts of each dwelling within the proposal would need to be satisfied by Building Regulations 2010 Approved Document B. If this cannot be satisfied alternative solution may be required such as dry-rising fire main incorporated into the building design.

London Southend Airport

- 8.7 No objections. Any crane or piling rig to construct the proposed development maybe restricted in height and require full co-ordination with the Airport Authority.

Essex and Suffolk Water

- 8.8 No objections.

Anglian Water

8.9 No objections.

Public Consultation

8.10 A site notice was displayed on the 18th January 2018 and 36 residents were notified of the proposal on the 14th March 2018 for a reconsultation on amendments to the drawings. Two letters of objection have been received stating:

- Application partially on land not owned by the applicant;
- Increased demand for on street parking;
- Residents should be ineligible for parking permits;
- Only modest landscaping has been incorporated along the pedestrian route in Alexandra Street with Clarence street and there are no active frontages, public entrances or credible surveillance;
- A narrow alleyway is to be accessed from Clarence Street at the sites northwest corner, which serves no purpose and may become a focus for crime and antisocial behaviour, which the current design does not address;
- The proposed community use is a modest size in a location with little prominence;
- Proposed brick warehouse aesthetic is neither responsive to the immediate physical context, nor to the buildings range of functions and landmark status;
- Roof terrace is compromised by orientation of windows to habitable rooms;
- Deck access is problematic with regards to privacy security and outlook from individual dwellings;
- Affordable housing should be policy compliant;
- Redevelopment welcomed but proposals miss an opportunity to create something of much higher quality in this prime town centre location
- Garden roof terrace would overlook surrounding residents
- Party wall issues
- Canopy is too wide and long as the old one was only over the middle of the front section
- Encroaching on adjacent residents at 20a, 20b and 20 Alexandra Street including their 'airspace';
- Loss of light, privacy and outlook;
- Landscaping too close to their property and is unacceptable;
- Development too large;
- Harm to neighbour amenity

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

8.11 Councillor Garston has requested this application be dealt with by Development Control Committee.

9 Recommendation

Members are recommended to:

(a) DELEGATE to the Director of Planning and Transport or Group Manager of Planning & Building Control to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:

- **5 affordable units comprising 3 affordable rent units and 2 shared ownership units. The mix to include 3 x 1 bedroom and 2 x 2 bedroom flats.**
- **a financial contribution towards secondary education provision of £9042.42 (index-linked), specifically for Eastwood Academy, which is payable prior commencement to the development**

(b) The Director of Planning and Transport or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

01 The development 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: 1267-01 Revision B; 1267-09; 1267-10 Revision J; 1267-11; 1267-12; 1267-13; 1267-14; 1267-15; 1267-24 Revision H; 1267-25 Revision G; 1267-03 Revision M; 1267-04 Revision L; 1267-05 Revision H; 1267-06 Revision H; 1267-27 Revision A; 1267-50 Revision C.

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 the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows, doors, including fire doors to the stairwells and commercial units, balustrading, fascia, soffits, balconies, balustrades, screening, fascia's, shopfronts and forecourt area have been submitted to and approved in

writing by the local planning authority. The works must then be carried out in full accordance with the approved materials, details and specifications before the dwellings or non-residential units hereby approved are first occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009). Given the nature of the development propose, the details sought and the objectives of the condition it is fundamental that information required is provided prior to the commencement of any development.

- 04** Notwithstanding the details shown on the plans hereby approved no development shall take place, other than demolition ground and site preparation works, until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces (including any earthworks to be carried out) and all means of enclosing and subdividing the site and/or any amenity areas.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 05** All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of any of the residential or commercial units within the development. Any 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. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

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

- 06** The development shall not be occupied until 8 on site car parking spaces have been provided and made available for use in full accordance with drawing 1267-03 Revision M, together with properly constructed vehicular access to the adjoining highway, all in

accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely 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 Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 07 The development shall not be occupied until the secure, covered cycle parking spaces to serve the development as shown on drawing 1267-03 Revision M have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.

Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 08 Prior to the occupation of any of the residential units within the development hereby approved, each dwelling shall be provided with a Residential Travel Information Pack, containing information on public transport services within the area, which has been previously submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainability and highways efficiency in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP1, KP2, KP3 and CP3 and Development Management Document (2015) Policy DM15.

- 09 No part of the mixed use development hereby approved shall be occupied until a waste management 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 solely in accordance with the approved details which shall include details of refuse storage facilities and waste servicing arrangements.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 10 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the building hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all windows in the proposed buildings that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

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

- 11 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the building hereby granted consent shall be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens to be fixed to the proposed buildings. Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

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

- 12 No extraction and ventilation equipment for the proposed non-residential uses shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into use. With reference to British Standards BS4142 the noise**

rating level arising from all plant and extraction/ventilation equipment shall be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 13** The noise mitigation measures outlined in the Environmental Noise Assessment Report No. dB/Phase2/91064Noise/ML/001 dated 26th June 2017 to protect future residents of the building from the impact of vehicular noise along Alexandra Street and Clarence Street and noise from surrounding commercial activity including glazing and ventilation measures shall be implemented in their entirety prior to occupation of the dwellings hereby approved and shall be maintained in perpetuity thereafter.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 14** The non-residential units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2300 hours on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 15** The development shall not be occupied until a waste management plan and service delivery 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 only in accordance with the approved details in perpetuity.

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

- 16 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, development shall stop and 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 Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

- 17 Before the development 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 the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 22 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, (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

- 18** Details of the external lighting to be installed in the development hereby approved shall be submitted to and approved in writing by the local planning authority before any part of the development is first occupied or brought into use. Development shall be carried out in accordance with those approved details before the development is occupied or brought into use.

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

- 19** Prior to occupation of the development hereby approved 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 any part 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 the Design and Townscape Guide (2009).

- 20** Prior to occupation any part of the development hereby approved details of the 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 (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before it is occupied and shall be retained as such in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

- 21** The drainage infrastructure associated with the development hereby approved shall be carried out in accordance with the Sustainable Urban Assessment carried out by Cannon Consulting Engineers reference CCE/U641/SWA-01 dated June 2017 before it is occupied. The sustainable drainage system shall be installed before occupation of the building and managed and maintained thereafter in perpetuity in accordance with the agreed drainage measures contained within the assessment.

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

- 22 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 fully 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 construction works that does not allow for the burning of waste on site.**

Reason: A pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 23 The outdoor seating area for the non-residential uses as shown on drawing 1267-03 Revision M hereby approved shall not be open for customers outside the following hours: - 0700 hours to 1900 hours on any day.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 24 Prior to occupation of the residential development hereby approved the D1 (community use) unit fronting Clarence Street as shown on drawing 1267-03 Revision M shall be fitted out and made fully available for future occupiers in accordance with details which shall have been previously submitted to the Local Planning Authority and agreed in writing.**

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the community use within the Borough, in accordance with Policy PA6 of the Southend Central Area Action Plan (2018), Policies KP2, CP4 and CP6 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

25 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

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

26 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of these orders which for the time being maybe in force, the use class D1 unit hereby approved fronting Clarence Street designed for occupation for Class D1 Community purposes, as shown on drawing 1267-03 Revision M shall solely be used for purposes as an art gallery, museum or hall and for no other purpose without the receipt of express planning permission from the Local Planning Authority.

Reason: To ensure the unit is maintained in community uses to comply with Policy CP6 of the Core Strategy (2007) and Policy PA6 of the Southend Central Area Action Plan (2018).

27 The rating level of noise for internal activities (including amplified and unamplified music and human voices) at the site shall be at least 10dB(A) below the background noise level (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment shall be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

(c) In the event that the planning obligation referred to in part (a) above has not been completed by 29th June 2018 or an extension of this time as may be agreed, the Director of Planning and Transport or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide for affordable housing or education provision and that as such the proposal would be unacceptable and contrary to Policies KP2, KP3, CP6 and CP8 of the Core Strategy (2007).

Informatives

- 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). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. 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

- 2 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**
- 3 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**
- 4 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing and secondary education.**

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.