

Reference:	18/00341/OUTM	
Ward:	Milton	
Proposal:	Erect additional three floors forming 108 room hotel on top of an existing 10-storey building, alterations to elevations and extension to lift shaft and staircase (outline)	
Address:	9 Elmer Approach, Southend-on-Sea, Essex, SS1 1NE	
Applicant:	Southend Point Ltd	
Agent:	Mr Patel	
Consultation Expiry:	19.04.2018	
Expiry Date:	19.06.2018	
Case Officer:	Charlotte White	
Plan No's:	01 (22.09.2017), 02 (29.04.2018), 03 (22.09.2017), 04 (22.09.2017), 05 (22.09.2017), 06 (21.09.2017), 07 (21.09.2017), 08 (18.03.2018), 09 (18.03.2018), 10 (02.08.2017), 11 (18.03.2018), 12 (09.05.2018), 13 (09.05.2018), 14 (09.05.2018), 15 (09.05.2018), 17 (09.05.2018).	
Recommendation:	APPROVE OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS	



1 The Proposal

- 1.1 Outline planning permission, including details of appearance, layout and scale is sought to erect an additional three floors on top of the existing 10-storey building to form a 108 room hotel. The proposal also includes alterations to the elevations and seeks to extend the lift shaft and staircase. Access and landscaping are reserved matters.
- 1.2 The elevational alterations proposed include modifications to the fenestration, materials and cladding to the entire building.
- 1.3 The proposal includes no on-site vehicle parking facilities. However, a cycle store will be provided at ground floor level to provide a total of 140 cycle parking spaces by utilising a stacking system. The planning statement and plans submitted similarly confirm that there is a designated refuse store on the ground floor.
- 1.4 The information submitted with the application indicates that the proposed hotel would operate 24 hours a day, 7 days a week. The information provided with the application indicates that the hotel will be operated by 'easyHotel' which operates in the 'super budget' hotel sector and offers low price rooms with the option to pay for extras. It should be noted however that any permission would run with the land and not with a specific hotel company.
- 1.5 The materials proposed include light and dark shades of grey and light and dark shades of orange fibre cement cladding with sections of cream cladding with dark grey aluminium windows with reveals.
- 1.6 Whilst the submitted plans show proposed advertisements on the elevations, these would be subject to separate advertisement consent and do not form part of this application. It should also be noted that this proposal does not include any alterations to the uses of the lower levels of the building which mainly constitute offices with a nightclub and retail units also.
- 1.7 The application has been submitted with a planning statement, design and access statement and transport statement.
- 1.8 The application was referred to Committee by Cllr J Garston and Cllr Ware-Lane and the application constitutes a major development and therefore is required to be determined by the Development Control Committee.

2 Site and Surroundings

- 2.1 The application site is located on the northern side of Elmer Approach and is currently occupied by a 10 storey building with a taller stair/lift shaft at the front of the building.
- 2.2 The surrounding area is mixed in character, with retail premises and similar uses, such as cafes to the east of the site in the High Street. To the south of the site is the University of Essex Buildings. To the west of the site is The Forum.

- 2.3 The information submitted with the application indicates that the application building has not been used since 1989. The upper storeys of the building were last used as offices and the extant use remains offices with the lower levels retained as shops and a nightclub. The building is currently boarded up, including its windows with some hoardings at ground floor level.
- 2.4 The site is located within the Town Centre Primary Shopping Area within the Development Management Document Proposals Map. Within the Southend Central Area Action Plan (SCAAP) (2018) the site is located within the Town Centre Secondary Shopping Frontage and the site crosses the boundary of two SCAAP policy areas; High Street and Elmer Square.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of the development, design and impact on the character and appearance of the area, impact on neighbouring properties, traffic and transportation issues, sustainability and CIL. However, it is noted that this application constitutes an outline application and access and landscaping details are reserved for later consideration.

4 Appraisal

Principle of Development

National Planning Policy Framework (NPPF) (2012); Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP3 and CP4; Development Management Document (2015) Policies DM1, DM2, DM3, DM4, DM12, DM13 and DM15, Southend Central Area Action Plan (SCAAP) (2018) Policies DS1, DS2, DS3, DS5, PA1 and PA3 and the guidance contained within the Design & Townscape Guide (2009)

- 4.1 Paragraphs 18 and 19 of the NPPF state that *'The Government is committed to securing economic growth in order to create jobs and prosperity...the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth'*.
- 4.2 Policy KP1 of the Core Strategy states that the primary focus for regeneration and growth within Southend is Southend Town Centre and Central Area *'to regenerate the existing town centre, as a fully competitive regional centre, led by the development of the University Campus, and securing a full range of quality sub-regional services to provide for 6,500 new jobs and providing for at least 2,000 additional homes...'*
- 4.3 Policy KP2 of the Core Strategy states that all new development should *'make the best use of previously developed land, ensuring that sites and buildings are put to best use...'* Policy CP4 of the Core Strategy requires development proposals to *'maximise the use of previously developed land...and promote good, well-designed, quality, mixed use development.'* Similarly Policy DM3 of the Development Management Document 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...'*

- 4.4 Policy CP2 of the Core Strategy states *‘Southend Town Centre will remain the first preference for all forms of retail details and for other town centre uses attracting large numbers of people.’* And Policy CP1 of the Core Strategy states that development will *‘support the town’s regional potential to develop as a Hotel and Conference Resort with high quality hotels, casinos and broad-based leisure and tourism facilities.’*
- 4.5 Policy DM12 of the Development Management Document states that *‘New visitor accommodation will be focused within the Southend Central Area, London Southend Airport area and at locations with good access and a clear and strong relationship with the Seafront. Proposals must relate well to strategic routes and the distributor road network, have good public transport accessibility and meet the requirements of other relevant planning policies’.*
- 4.6 Policy DM13 of the Development Management Document states *‘primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced...All developments in the secondary shopping frontage...must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a discrete service to visiting members of the general public’.* This is reflected and reiterated within Policy DS1 of the SCAAP.
- 4.7 The site is located within the Southend Central Area and within the Town Centre and as such the provision of a hotel in this location is acceptable in principle and accords with Policy DM12 of the Development Management Document.
- 4.8 The proposal seeks to extend and alter an existing tall building within the Town Centre that has been vacant for a significant length of time and the development would result in an additional 25.8 equivalent full time jobs, which is positive and in accordance with National and Local Planning Policy. The hotel would be expected to increase footfall to the Town Centre and support the businesses in the area which is positive. As such there is no objection to the principle of providing hotel accommodation at this site.
- 4.9 The site has a frontage to Elmer Approach which is a designated secondary shopping frontage, however, this development largely relates to the provision of additional upper storeys to provide the hotel accommodation. The plans submitted indicate that there will be a main entrance to the hotel on the ground floor, fronting Elmer Approach which includes a glass canopy to the entrance. As such the proposal will retain a significant element of an active frontage. No objection is therefore raised on this basis.
- 4.10 The site is an acceptable location for a tall building in principle and the loss of the office accommodation is acceptable in principle. As such the principle of the development is acceptable subject to other material considerations as discussed below.

Design and Impact on the Character and Appearance of the Area

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM4, Southend Central Area Action Plan (2018) Policies DS2, DS3, PA1 and PA3 and the guidance contained within the Design & Townscape Guide (2009)

- 4.11 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.12 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* One of the core planning principles stated in the NPPF requires that planning should *“...secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.13 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.14 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.15 Policy DM4 of the Development Management Document relates to tall and large buildings and states that *‘tall buildings will only be permitted in appropriate locations in the Southend Central Area, where the development would be within the street block of an existing cluster of tall buildings, where it can be demonstrated that it would not be incongruous with the character and function of the area, and where the proposed development meets the criteria set out within this policy. Tall and large buildings will be considered acceptable where:*
- (i) They are located in areas whose character, function and appearance would not be harmed by the scale, mass or bulk of a tall or large building; and*
 - (ii) They integrate with the form, proportion, composition, and character of surrounding buildings, urban grain and public realm (including landscaping features), particularly at street level; and*
 - (iii) Individually or as a group, form a distinctive landmark that emphasises a point of visual significance and enhances the skyline and image of Southend; and*

- (iv) *The highest standards of architecture and materials are incorporated; and*
- (v) *The latest regulations and planning policies for minimising energy use and reducing carbon emissions over the lifetime of the development are exceeded, where viable and feasible and*
- (vi) *Ground floor activities provide a positive relationship to the surrounding streets; and*
- (vii) *They are located in a sustainable area with frequent public transport links, and where local services are accessible by foot and bicycle.*

4.16 *Tall and large buildings will not be accepted where:*

- (i) *They adversely affect their surroundings in terms of character, microclimate, wind turbulence, overshadowing, noise, reflected glare, navigation and telecommunication interference; or*
- (ii) *They impact adversely on local views that make an important contribution to the character of the area; or*
- (iii) *They adversely impact upon the skyline of Southend as viewed from the foreshore and other important viewpoints and vistas within and outside the Borough; or*
- (iv) *They adversely impact upon London Southend Airport; or*
- (v) *They detrimentally impact upon the setting of heritage assets.'*

4.17 Firstly it is noted that access and landscaping are reserved matters. This application seeks detailed approval only for the appearance, layout and scale of the proposed development.

4.18 In terms of scale, the proposed development would result in an additional three storeys on top of the existing 10 storey building. The additional storeys follow the same footprint as the existing building, and are not set back, which would have reduced their scale. The proposal would also remove the distinction between the main 10 storey block and the taller lift and stair tower housing which due to its form and dark brick colour creates a prominent feature in the buildings roofspace and consequently to the skyline seen from further away. However, the development retains the forward projecting stair and lift housing which would retain some articulation to the building. The proposed design approach equally provides cohesion to the existing building. Whilst the development would increase the scale of the development, it is noted that there are other tall buildings within the immediate surrounding area and given the scale of the existing building, the size, scale, mass and bulk of the development would not be materially out of character with the surrounding area. The crisp silhouette and subtle architectural detailing of the new uppermost floors would make a positive contribution to the skyline of the town centre. No objection is therefore raised to the layout, scale, mass, size and bulk of the proposed development on this basis, subject to the condition recommended by London Southend Airport which is reflected in informative 2 at the end of this report.

4.19 In terms of appearance and design detailing, a number of concerns were raised during the course of the application which resulted in amended plans being

received.

- 4.20 The projecting box features at the upper storeys add interest to the existing bland form and would break up the large elevational expanse of the extended building. The development also seeks to alter the fenestration and elevations, with new materials proposed. The cladding proposed would result in one texture only, which is unfortunate; however, the amended plans have sought to introduce more tones of colours which is positive and taken as a whole the cladding would improve the overall appearance of the existing building. However, concern is raised as to the extent of orange cladding proposed which would be unduly garish and brash and would harm the character and appearance of the area, including from more distant viewpoints. The orange should be used as more of an accent colour and should be significantly reduced in terms of its coverage and prominence. However, this could be achieved with the imposition of conditions attached to any grant of consent and an informative is attached to clarify that a more muted approach to the cladding is required, including to the lower levels of the building.
- 4.21 In terms of fenestration it is positive that additional flank windows will be provided to achieve more interest to the side facades and to increase natural surveillance. It is considered that further improvements could be made to the fenestration to enliven the elevations of the buildings; however, on balance and given the nature of the existing fenestration, the alterations proposed are an improvement over and above the existing situation.
- 4.22 Landscaping is a reserved matter. No details have been submitted in this respect and especially given the urban town centre location, this can satisfactorily be considered in isolation.
- 4.23 As such, subject to conditions requiring samples of the cladding materials, details of the box and window reveals, no objection is raised to the appearance or detailing proposed. Subject to such conditions, it is considered that the proposal is of an acceptable overall design that would improve the appearance of the existing building. The proposal is therefore policy compliant in this respect and no objection is therefore raised on this basis.

Impact on Neighbouring Properties

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3, Southend Central Area Action Plan (2018) Policies DS2, DS3, PA1 and PA3 and the guidance contained within the Design & Townscape Guide (2009)

- 4.24 The NPPF states that one of the core principles of planning is to *‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’*.
- 4.25 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.”*

- 4.26 The proposal seeks to add an additional three storeys to the existing building with windows in all elevations. Given the existing surrounding, mainly commercial uses, the extent of the existing windows in the existing building and the relationship of the site to neighbouring land uses, it is considered that the proposal would not result in any material overlooking or loss of privacy to adjoining residents. It is also noted that the site is located within the main Town Centre area and as such a degree of mutual overlooking is to be expected. It is also noted in this regard that the majority of the new windows would be at the 11th to 12th floors such that the likelihood of direct, close levels of loss of privacy is not a significant impact. As such the development is considered policy compliant in this respect and no objection is therefore raised on this basis.
- 4.27 In terms of dominance and an overbearing impact, whilst the existing building is taller than the immediately adjoining buildings, there are a number of tall buildings in close proximity of the site and given the size and scale of the existing building and the surrounding, mainly commercial uses it is considered that the proposal would not result in any material harm to the nearby residents in terms of dominance, an overbearing impact, loss of light or outlook, overshadowing or a material sense of enclosure over and above the existing situation. The development is therefore policy compliant in this respect and no objection is raised on this basis.
- 4.28 In terms of noise and disturbance, the site is located within the Town Centre where ambient noise levels are higher than in other locations. The proposed hotel is a 24 hour, 7 day a week use and as such could attract comings and goings at unsociable hours. However, given the existing surrounding uses and the Town Centre location, it is considered that the development would not result in any material harm to the adjoining residents in terms of noise and disturbance. Whilst it is noted that prior approval has been granted to use the floors directly below the proposed hotel as residential units, this consent has not been implemented and the extant use of the lower floors remains as offices. However the mixing of hotel and residential uses in close proximity is not uncommon in Town Centre locations such as this and officers are satisfied that should the prior approval be implemented there would not be any unacceptable neighbour impacts.
- 4.29 As such it is considered that the proposed development would not result in any material harm to the residential amenity of the nearby resident. The proposal is therefore policy compliant in this respect and no objection is therefore raised on this basis.

Traffic and Transport Issues

National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

- 4.29 Policy DM15 of the Development Management Document requires all development to provide adequate parking and sets a maximum parking standard for the provision of 1 parking space per bedroom for hotels in this location. As such the 108 bedroom hotel would require the provision of 108 parking spaces if maximum parking standards were applied. In this respect, no parking is proposed.

It is noted that the existing building does not benefit from any parking currently.

- 4.30 The application has been submitted with a Transport Statement which comments that the site is located within a short walking distance of Southend Central and Southend Victoria railway stations and Southend Victoria Bus Station, with a number of key local facilities accessible within a realistic walking distance. It also comments that cycle provision in the area is relatively good with a number of designated cycle lanes provided within the Town Centre. The Transport Statement indicates that within the immediate area only 24% of people use their car to travel to work and notes that there are existing public car parks within the immediate area that are accessible from the site. A 140 space cycle store will also be provided with a stacking system. The Transport Statement concludes that the level of trip generation as a result of this development (1 vehicle movement every 6 minutes during the AM and PM peak hour periods) is highly unlikely to result in a negative impact upon the local highway network and therefore concludes that the development is unlikely to present a significant effect on highway safety or capacity.
- 4.31 Given the findings of the Transport Statement submitted and the highly accessible Town Centre location of the site, which is located close to good rail and bus public transport links and is located close to a wide variety of shops and services, in this instance, the provision of no off-street parking is considered acceptable. It is also noted that there are several public car parks nearby within the wider surrounding area. In this respect the Highways Team has raised no objection to the proposal, subject to a travel plan which can be secured via condition and conclude that the development would not have a detrimental impact upon the public highway network. The proposal is considered to be acceptable and policy compliant in regards to parking, highway capacity and highway safety matters.

Use of on Site Renewable Energy Resources

National Planning Policy Framework, Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2 and the Design and Townscape Guide (2009).

- 4.32 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide, wherever feasible. How the development will provide for the collection of re-usable and recyclable waste will also be a consideration”*. Policy DM2 of the emerging Development Management Document also states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”*.
- 4.33 Limited information has been submitted in this respect, with a roof plan provided which shows an array of solar PV panels which are labelled *‘Solar PV panels to generate minimum 10% renewable energy’*. Subject to a condition in this respect no objection is raised on this basis.
- 4.34 A condition is also required to be attached to any grant of consent requiring water

efficiency measures for taps, showers and toilets to be included in the development.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.35 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. As this is an outline application the CIL amount payable will be calculated on submission of a reserved matters application at which point the floorspace figures will be confirmed.

5 Conclusion

- 5.1 Having taking into consideration all material considerations, it is found that the development makes beneficial use of its highly accessible Town Centre location, would make a significant contribution to the Borough hotel stock in a location specifically identified in policy for this, would meet SCAAP objectives by contributing to the regeneration of the Town Centre with no unacceptable impacts, subject to the use of conditions to ensure the scheme achieves a number of relevant planning objectives. The proposed development, subject to appropriate conditions, is therefore acceptable and would be in accordance with the Development Plan. The application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012): including chapters 1 (Building a strong, competitive economy) 2 (Ensuring the vitality of Town Centres) and 7 (Requiring good design)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 6.3 Development Management Document (2015) Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM12 (Visitor Accommodation), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 6.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous Retail Centre), DS2 (Key Views), DS3 (Landmarks and Landmark Buildings), DS5 (Transport, Access and Public Realm), PA1 (High Street Policy Area Development Principles) and PA3 (Elmer Square Policy Area Development Principles).
- 6.5 Design & Townscape Guide (2009).

6.6 CIL Charging Schedule (2015)

7 Representation Summary

London Southend Airport

7.1 Our calculations show that the proposed development would conflict with safeguarding criteria unless any planning permission granted is subject to the following condition:

Overall elevation of the building including any aerials / plant etc must be no taller than 56.46m AOD.

We will therefore need to object to these proposals unless the above mentioned condition is applied to any planning permission.

Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependent on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane application should be directed to sam.petrie@southendairport.com / 01702 538521.

[Officer Comment: The applicant's agent has confirmed that development would not exceed 56.46AOD.]

Essex County Fire and Rescue Services

7.2 Access for Fire Services purposes has been considered and is considered satisfactory. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. Additional water supplies for firefighting may be necessary.

Transport & Highways

7.3 Consideration has been given to the information supplied within the transport statement the proposed 108 bedroom hotel will not provide any parking provision. This is similar to other town centre hotels such as the Park Inn Palace and Travelodge at Warrior Square which also provide zero parking. The site is in a town centre location with good access to public transport in addition with town centre car parks within the area. A travel plan should be conditioned and should promote sustainable travel for all staff and customers, it is noted that cycle parking will be provided for the development.

Having reviewed the application and the information contained within the Transport Statement the proposal will not have a detrimental impact upon the public highway network therefore no highway objections are raised.

Design Team

7.4 The comments received from the Design Team have informed changes to the detailed appearance and are reflected in the body of the report and the conditions applied.

Waste Management Team

- 7.5 Would request a commercial waste management plan for this proposal. Particularly keen to understand where their commercial recycling and waste bins would be stored, how they would be collected by their waste contractor, what recycling provisions will be provided, etc.

[Following the submission of amended plans and further information, the following comments were subsequently received:]

No objections due to this proposal being commercial only (hotel proposal) and given that a closed, managed and secure bin store will be provided.

Environmental Health Team

- 7.6 The application is for a proposed gym at 2nd floor and a 3 storey hotel at 10th-12th floor. Limited details have been provided in relation to deliveries/servicing of the hotel and it is unclear from the plans where the entrance lobby will be located.

The hotel rooms are located above residential dwellings. An acoustic assessment is required to be submitted to assess the potential noise impact of the proposed development on the residential units.

In order to assess this proposal fully a suitably qualified and competent person who would normally be a member of the Institute of Acoustics shall evaluate the potential noise impacts from the proposed uses and of any ventilation and extraction plant to the future occupiers of the development. This report shall include any necessary mitigation measures.

[Officer comment: The residential prior approval permission has not been implemented and the use of the floor immediately below the proposed hotel remain office uses. The concerns raised are considered to be appropriately addressed by the conditions recommended. The proposal does not include a gym use.]

Public Consultation

- 7.7 The application was advertised in the press, a site notice was displayed and 40 neighbours were notified.

No responses have been received.

8 Relevant Planning History

- 8.1 17/01064/PA3COU – Change of use of existing offices (Class B1) to 140 self-contained flats (Class C3) (Prior Approval) – Prior approval granted. This consent is yet to be implemented.
- 8.2 17/01033/PA3COU - Change of use of existing offices (Class B1) to 112 self-contained flats (Class C3) (Prior Approval) – Prior approval granted.
- 8.3 16/02228/PA3COU – Change of use of existing offices (Class B1) to 140 self-contained flats (Class C3) (Prior Approval) – Prior approval granted
- 8.4 16/00968/FUL – Change of use of first floor nightclub (sui generis) to a use falling

within either use class A1 (retail), use class A3 (restaurant and cafes), D1 (non-residential institution) or use class D2 (assembly and leisure) – permission granted.

- 8.5 16/00929/PA3COU – Change of use of existing building from office (Class B1(a)) to 86 flats (Class C3) (Prior Approval) (Amended proposal) – Prior approval granted.
- 8.6 16/00110/PA3COU – Change of use of building (Class B1(a)) to 72 flats (Class C3) (Prior Approval) (Amended proposal) – Prior approval granted.
- 8.7 15/00710/PA3COU – Change of use of building (Class B1(a)) to 72 flats (Class C3) (Prior Approval) – Prior approval refused.
- 8.8 09/01110/FULM - Change of use of former Prudential Building to form 119no bedroom hotel with restaurant, bar and associated ancillary accommodation together with refurbishment of existing office accommodation (levels 2-4) for Office (B1) / Education (D1) use, construction of new entrance, stair and lift core to serve offices, recladding of tower and upper podium facades and the provision of new mechanical and electrical services together with associated external works (Amended Proposal) – permission granted.
- 8.9 08/01388/FULM - Change of use of former Prudential Building to form 119no bedroom hotel with restaurant, bar and associated ancillary accommodation together with refurbishment of existing office accommodation (levels 2-4) for Office (B1) / Education (D1) use, construction of new entrance, stair and lift core to serve offices, recladding of tower and upper podium facades and the provision of new mechanical and electrical services together with associated external works – application refused.

9 Recommendation

9.1 Members are recommended to GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:

- 01 In as far as they relate to the scale, layout and appearance of the development hereby approved, the development shall be carried out in accordance with the approved plans: 01 (22.09.2017), 02 (29.04.2018), 08 (18.03.2018), 09 (18.03.2018), 10 (02.08.2017), 11 (18.03.2018), 12 (09.05.2018), 13 (09.05.2018), 14 (09.05.2018), 15 (09.05.2018), 17 (09.05.2018).**

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

- 02 Details of the landscaping and access (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin not later than 2 (two) years from**

the date of approval of the last of the reserved matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development shall be undertaken until samples and full details of all materials to be used on the external elevations including full details of the cladding (including exact colours specifications), windows, box features and window reveals 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 first brought into use.**

Reason: This pre-commencement condition is required in the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development shall be undertaken until full details of the secure, covered cycle parking for no less than 140 cycles and the refuse and recycling storage for the development have been submitted to and approved in writing by the local planning authority. The approved cycle parking and refuse storage facilities shall be provided in full and made available for use for the development prior to the first use of the development hereby approved and be retained as such in perpetuity.**

Reason: This pre-commencement condition is required to ensure that satisfactory secure off-street bicycle parking is provided and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1, and the guidance contained in the Design and Townscape Guide (2009).

- 05 The development hereby approved shall not be brought into use until a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the hotel hereby approved. 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), Development Management Document (2015) Policy DM2 and the Design and Townscape Guide (2009).

- 06** The development hereby approved shall not be first used until full details of the water efficient design measures including for taps, toilets and showers have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the hotel. This provision shall be made for the lifetime of the development.

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 Design and Townscape Guide (2009).

- 07** Notwithstanding the details shown on the plans submitted and otherwise hereby approved the overall height of the building as extended, including any aerials, plant or other structures must not exceed 56.45 Above Ordnance Datum.

Reason: In the interests of aircraft safety and the safe operation of London Southend Airport in accordance with the National Planning Policy Framework and Policy DM4 of the Development Management Document (2015).

- 08** 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 including but not limited to plant, satellite, radio antennae or telecommunications equipment shall be installed on the building or on the external elevations or roof of the development hereby approved unless and until express permission has been obtained beforehand from the local planning authority.

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

- 09** Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time 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 (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 10** The development hereby approved shall not be first used until a travel plan which promotes sustainable transport for all staff has been submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented in full prior to the first use of the development hereby approved and shall thereafter be maintained in perpetuity.

Reason: In the interests of sustainable travel in accordance with the National Planning Policy Framework, Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development management Document (2015).

- 11** The development hereby approved shall not be first used until a waste management plan has been submitted to and approved in writing by the Local Planning Authority. The waste management plan for the site shall be carried out in accordance with the approved details from the first commencement of the use.

Reason: To ensure 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).

- 12** Notwithstanding the details shown on the plans submitted and otherwise hereby approved no development shall be undertaken until noise mitigation measures have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details before the development is brought into first use.

Reason: This pre-commencement condition is required in the interests of the amenity of nearby residents. This is as set out in the National Planning Policy Framework (NPPF), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

- 13** No development shall take place, 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: This 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).

- 14** 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), the use of the 10th, 11th and 12th floors hereby approved shall be used as a hotel only and for no other purposes.

Reason: Required in the interests of the amenity of nearby residents as set

out in the National Planning Policy Framework (NPPF), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

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

Informatives

- 1** Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). The amount of levy due will be calculated at the time the reserved matters application is submitted. Further information about CIL can be found on the Council's website at www.southend.gov.uk/cil
- 2** Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded by London Southend Airport separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane application should be directed to sam.petrie@southendairport.com / 01702 538521.
- 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** For the avoidance of doubt this permission does not provide any consent for the advertisements shown on the approved plans. Separate advertisement consent is required for the advertisements shown on the approved plans.
- 5** In relation to condition 3 and for the avoidance of doubt the applicant is hereby advised that the garish brand colouring shown on the submitted plans is unacceptable and must be reconsidered in any applications for future approval of details to discharge condition 3.