

Reference:	23/00644/FUL	
Application Type:	Full Application	
Ward:	West Shoebury	
Proposal:	Change of use from commercial/light industrial use to a scrap metal recycling business (sui generis), erect two storey temporary office, single storey storage building, weighbridge with office and 3m screening (retrospective)	
Address:	25 Towerfield Road, Shoeburyness, Southend-on-Sea, SS3 9QE	
Applicant:	Mr Shaun Rowley	
Agent:	Mr Glen Eldridge	
Consultation Expiry:	29th December 2023	
Expiry Date:	1 st March 2024	
Case Officer:	Hayley Thompson	
Plan Nos:	GE2325/P01 Revision B, GE2325/P02	
Supporting Documents:	Design and Access Statement GE2322 [15 December 2023]; Acoustic Assessment 230525-R001A by ACA Acoustics [3 October 2023]; Flood Risk Assessment 2771/RE/07-21/01 Revision A by Evans Rivers and Coastal [November 2023].	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 This application site relates to a compound in Towerfield Road that is formed of a concrete hardstanding and is enclosed with fencing. The site was formerly occupied by a single-storey commercial building used by a packaging company, falling under Use Class E(g) or B8. The building was demolished following fire damage in 2019. The site is within an Employment Area as identified on the policies map of the Development Management Document and within Food Zone 3.
- 1.2 The surrounding area is characterised by commercial and industrial type buildings and uses. The site is at the periphery of the industrial estate, adjacent to a brook and an allocated allotment site. The site is also some 20m from the front elevation of a row of dwellings in Jena Close, to the north west, is separated by the brook and a landscaped southern perimeter of this residential area.

2 The Proposal

- 2.1 Planning permission is sought retrospectively to change the use of the site from a commercial light industrial/storage use to a scrap metal recycling business, a sui generis use, such that planning permission is needed to change to, or from, it. The application has been submitted following an enforcement enquiry.
- 2.2 The operations of the site involve the collection, separation and re-distribution of ferrous and non-ferrous (iron/non-iron) scrap material. Scrap metal is delivered to the site including by members of the public and small businesses and then sorted, weighed and loaded into the appropriate storage bins. No works to cut, grind or crush metals is described to be undertaken at the site.
- 2.3 Other works which have been undertaken at the site include a two-storey temporary office on the northern boundary of the site close to the site entrance. It is 5.3m high, 7.35m wide and 2.7m deep. A weighbridge is close to the southern site boundary near the site entrance. The weighbridge office is 2.9m high, 2.2m wide and 1.2m deep. A small items weighbridge is next to the office. Two single storey buildings used for storage are along the northern and western boundaries towards the rear in the processing area which are 2.6m high, 2.45m deep and 11.75m wide.
- 2.4 A 3m high fence/screening has been installed at the site entrance, between 20m and 23m from Towerfield Road, and is 35.5m wide along this boundary. The screening returns into the site along the northern boundary for 31m and into the site by 7.5m. A concrete wall enclosure, 3m high and 22m wide, is within the site along the northern boundary. It contains light and heavy iron drop off areas.
- 2.5 There are areas within the site allocated for storage purposes with varying associated paraphernalia. These include storage bins for plastic materials shown on the northern boundary, a processing area to the rear of the site on the western boundary, storage skips on the southern boundary towards the rear and storage bins close to the site entrance on the eastern boundary.
- 2.6 Off street parking for 9 vehicles is available to the front of the site accessed from Towerfield Road. The opening hours for the site are stated to be Monday to Friday 08:00-17:00 and Saturday 8:00-12:00 and closed on Sundays.
- 2.7 Revised plans have been submitted during the application process. These show buildings and other paraphernalia within the site in different locations compared to the original submission. The concrete wall installed within the site has been recently

constructed (December 2023) as part of the applicant's response to noise mitigation. Off street parking has been relocated from further within the site close to the two-storey office to the front of the site.

3 Relevant Planning History

- 3.1 21/01983/FUL - Erect new commercial/light industrial unit with Use Classes E(g), B2 and B8 including associated parking and hard/soft landscaping – Granted
- 3.2 04/01608/FUL- Erect 20 metre macro pole with three antennas, four dishes and six equipment cabins enclosed within a fenced compound to rear – Refused
- 3.3 91/0970 - Use offices (class b1) for general industrial fabrication (class b2) – Granted

4 Representation Summary

Public Consultation

- 4.1 23 neighbouring properties were consulted by letter, a site notice was displayed and the application was advertised in the press. Representations from three (3) interested parties, including Shoebury Residents Association were received which raised the following objections:

- Concerns raised about noise and smells;
- Site being open earlier and later than stated hours;
- Concern about noise at unsociable hours;
- Concerns raised about pollution and environmental impact;
- Concern about dust and fumes;
- Business is too close to residential;
- The site does not have planning permission;
- Lack of consideration shown to residents;
- Request for conditions to control the use of the site.

[Officer Comment: All relevant planning considerations have been assessed within the appraisal section of the report and conditions to control the use of the site have been recommended. The remaining points of objection are not found to justify refusing planning permission in the circumstances of this case.]

LLFA

- 4.2 No objection subject to condition regarding drainage systems and pollution management methods.

Environment Agency

- 4.3 No comment – refer to EA standing advice note 6 about flood risk assessment for less vulnerable commercial uses.

Environmental Health

- 4.4 No objections raised subject to conditions regarding post completion testing, noise mitigation measures, site operating hours, restriction on processes, external illumination and informatives.

Highways

- 4.5 No objections raised.

5 Procedural Matters

- 5.1 The application is being presented to the Development Control Committee as it involves a departure from the development plan.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2023)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Essex and Southend-on-Sea Waste Local Plan (July 2017): Policies 6 (Open Waste Facilities on unallocated sites or outside Areas of Search), 10 (Development Management Criteria), 12 (Transport and Access).
- 6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors) DM11 (Employment Areas) DM15 (Sustainable Transport Management)
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.9 Electric Vehicle Charging Infrastructure (EVCI) for new development Supplementary Planning Document (SPD) (2021).
- 6.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, flood risk, design and impact on the character of the area, impact on residential occupiers, any traffic and transport issues, and CIL.

8 Appraisal

Principle of Development

- 8.1 Paragraph 123 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Paragraph 124 continues to advise that "Planning policies and decisions should *"promote and support the development of under-utilised land and buildings"*.

- 8.2 Policy KP1 of the Core Strategy seeks sustainable development by focusing appropriate regeneration and growth towards Priority Urban Areas which includes identified existing industrial/employment areas. Policy CP1 of the Core Strategy offers support to development proposals involving employment which contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities.
- 8.3 Policy DM11 of the Development Management Document advises that the retention and provision of employment sites is particularly necessary to enable balanced job and housing growth in line with the Core Strategy. Policy DM11 states that the Council will support the retention, enhancement and development of Class B uses within the Employment Areas and proposals that fall outside of a Class B employment use will only be granted permission where it conforms with one of the following four criteria:
- A. the development proposal is a 'sui generis' use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or
 - B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Council for the concerned site, which sets out other appropriate uses; or
 - C. it can be demonstrated to the Council's satisfaction that:
 - i. there is no long term or reasonable prospect of the site concerned being used for Class B purposes; and
 - ii. the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and
 - iii. the alternative use cannot be reasonably located elsewhere within the area it serves; and
 - iv. the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking; or
 - D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day time needs of the estate's working population and will not result in a material change to the Class B character and function of the area.
- 8.4 The site is located within an identified Employment Area which is a priority urban area for employment-led regeneration and growth. The development on site results in a loss of Class B employment land. However, the sui generis use at the site reuses previously developed land at a location that is designated for employment generating purposes. Towerfield Road is an existing industrial estate and the site, to a certain degree, is considered to be of a similar employment nature to other uses within the industrial estate, which is characterised by various employment uses such as warehouses, manufacturing and engineering units and vehicle repair units. The use of the site is therefore considered to be of a similar employment nature which is broadly compatible with, and is not considered to conflict with the operating conditions of the Employment Area. To this extent, the site is considered to meet the requirements of Criterion A of Policy DM11. It is not necessary to explore the other criteria.
- 8.5 Policy 6 of the Essex and Southend-on-Sea Waste Local Plan states that "proposals for new open waste management facilities will be permitted where:
- 1. the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development;
 - 2. although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and
 - 3. it is demonstrated that the site is at least as suitable for such development as Site

Allocations or Areas of Search, with reference to the overall spatial strategy and site assessment methodology associated with this Plan.

- 8.6 Policy 6 of the Essex and Southend-on-Sea Waste Local Plan further states that: "in addition, proposals should be located at or in:
- a. redundant farm land (in the case of green waste and/or biological waste); or
 - b. demolition and construction sites, where the inert waste materials are to be used on the construction project on that site; or
 - c. existing permitted waste management sites or co-located with other waste management development; or
 - d. the curtilages of Waste Water Treatment Works (in the case of biological waste); or
 - e. mineral and landfill sites where waste material is used in conjunction with restoration, or proposed waste operations are temporary and linked to the completion of the mineral/landfill operation; or
 - f. areas of Previously Developed Land; or
 - g. employment areas that are existing or allocated in a Local Plan for general industry (B2) and storage and distribution (B8).

Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan."

- 8.7 Policy 10 of the Essex and Southend-on-Sea Waste Local Plan states that: "Proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on:
- a. local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration);
 - b. water resources with particular regard to:
 - the quality of water within water bodies:
 - Preventing the deterioration of their existing status; or
 - Failure to achieve the objective of 'good status' and
 - the quantity of water for resource purposes within water bodies.
 - c. the capacity of existing drainage systems;
 - d. the best and most versatile agricultural land;
 - e. farming, horticulture and forestry;
 - f. aircraft safety due to the risk of bird strike and/or building height and position;
 - g. the safety and capacity of the road and other transport networks;
 - h. the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness;
 - i. the openness and purpose of the Metropolitan Green Belt;
 - j. Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities;
 - k. land stability;
 - l. the natural and geological environment (including internationally, nationally or locally designated sites and irreplaceable habitats);
 - m. the historic environment including heritage and archaeological assets and their settings; and n. the character and quality of the area, in which the development is situated, through poor design.

- 8.8 In principle, the application represents a departure from policy with regards to Policy 6 of the Waste Local Plan because the application site is not part of the allocated sites or areas of search of the Waste Local Plan and it has not been demonstrated that these sites are unsuitable or unavailable for the development nor that the site is at least as suitable for such development as these sites. Furthermore, it has not been demonstrated that there is either a need for this additional capacity created by the facility

for waste generated within Essex and Southend or that the waste processed in the facility would be generated within Essex and Southend.

- 8.9 Whilst the application represents a departure from policy in principle for the reasons discussed above, the development in principle complies with the rest of the requirements of Policy 6 insofar that the site is located in an employment area for general industry. As discussed in the relevant sections of the report, the application is not considered to have an unacceptable impact on the relevant provisions of Policy 10. Other detailed considerations are discussed below.

Flooding and Drainage

- 8.10 Paragraph 165 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 8.11 Policy KP1 states that all development proposals within identified flood risk zones 'shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk'. It states that 'development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options'.
- 8.12 The site is within Flood Zone 3. With regard to flood risk, the Environment Agency did not provide any comments but directed the LPA to their Standing Advice Note 6. In this no objections are raised in principle for this type of development as a 'less vulnerable' use not requiring an increase in impermeable surfacing. The (Flood Risk Assessment) FRA submitted with this application contains a flood emergency response and evacuation plan for the development. A condition to ensure compliance with these details is recommended. Subject to adherence to the recommendations of the FRA, the development is considered to be sufficiently capable of managing the risk of flooding.
- 8.13 The LFFA has raised no objection to the development subject to conditions. They advised that specific details from the FRA have not been included, such as details for existing drainage systems on site and pollution management methods. These details can be secured by a condition. Subject to these details, it is considered that the development would not increase the risk of flooding elsewhere and pollution to bodies of water can be managed satisfactorily.
- 8.14 Subject to the described conditions, the development is considered acceptable and policy compliant in terms of flood risk mitigation and flood risk impacts elsewhere.

Design and Impact on the Character of the Area

- 8.15 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.16 The NPPF requires new development to respond positively to its surroundings. Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document, and the Design and Townscape Guide, advocate the need for new development to respect and complement local character.

- 8.17 The site is formed of an area of concrete hardstanding and is enclosed with palisade fencing around the site boundary and a 3m high fence at the site entrance along the width of the site. There are no significant public views into the site, as a result of the existing boundary treatment. It is not considered that the nature of the site, as a scrap metal business and an industrial use, would be out of character in the context of the wider industrial estate and employment area, subject to its visual and environmental impact.
- 8.18 The surrounding area is characterised by functional buildings typical of a designated industrial area/designated employment site. Directly north west of the site, the area is residential in character. The buildings on site, comprising the two-storey office building, the single storey storage unit located on the northern boundary of the site and the weighbridge office, have an industrial appearance which is considered to integrate with, and be comparable to, surrounding buildings within the industrial estate. The maximum height of the structures (the two-storey office) is 5.3m. The buildings are of no significant design merit. However, as a result of the nature of the development, dispersed across the site, and their individually small to modest size they do not have overall significant scale or bulk and as such they do not significantly harm the character and appearance of the area.
- 8.19 The boundary treatments, comprising the 3m high fence and concrete walled area within the site are functional in their appearance. There are various types of boundary treatments of varying heights found within the surrounding industrial estate setting, such as fences, gates and walls, therefore no objection is raised to these works. It is considered that the maximum height to fences should be the maximum height for external storage of materials and waste to ensure that the development would not have a detrimental visual impact on the character and appearance of the area.
- 8.20 Given its position and the subsequent industrial character of the surrounding area, it is not considered the development does not appear unduly prominent or harmfully out of keeping.

Amenity Impacts

- 8.21 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.22 In terms of dominance and any overbearing impact, the closest neighbouring dwellings in Jena Close are separated from the site by 22.5m. With the condition controlling the maximum height and locations of stored waste, explained in the previous section, it is considered that the development would not result in any material impact in terms of visual dominance, an overbearing impact, loss of light and outlook or a material sense of enclosure to neighbouring development. In terms of overlooking, the site does not contain any machinery with cabs elevated above ground level and the nature of the use of the site is such that the development would not result in any material overlooking or loss of privacy.
- 8.23 The applicant has provided a Noise Impact Assessment (NIA) which concludes that calculated rating levels for the development is 10dB below the background levels in the

area. High level fencing and a concrete wall on the northern boundary has been erected at the site to serve as a noise mitigation measure. However, no specific details have been provided in terms of their actual measured acoustic qualities. The Council's Environmental Health team has raised no objection to the methodology used in the NIA. They advised that post completion validation testing will be required to ensure that the predicted reduction in noise has been achieved on site.

- 8.24 The Environmental Health team have reported they received complaints from Jena Close residents about the noise from the site. Furthermore, representations from interested parties for this application have raised concerns about noise from the site including banging, cutting and grinding. The application Design and Access Statement Dec 2023 confirms that the sole operation of the development is to be the collection, separation and re-distribution of ferrous and non-ferrous metals only. It confirms that the site is not used for the cutting, grinding and crushing of metals, and does not have the facilities to undertake this work. A planning condition to secure this is recommended. It is also considered necessary to include a condition to require post completion testing at Jena Close prior to any use of the site continuing and within 2 months from any permission being granted. This condition will require the use of the site to cease until the time that the post completion testing has taken place and its findings have been approved in writing in the interest of residential amenity and to mitigate against any unacceptable noise impacts on nearby occupiers.
- 8.25 In light of the above, and given the current uncontrolled usage of the site, it is also appropriate to apply conditions to restrict operating hours to 8am to 5pm Monday to Friday and 8am to 1pm on Saturday and not at all on Sundays and Bank and Public Holidays.
- 8.26 No details accompany this application with regards to external lighting. This matter can be conditioned so that details are submitted and agreed including luminance levels, to ensure the amenities of neighbouring uses are preserved.
- 8.27 It is therefore considered, subject to conditions, that the development would not result in any significant harm to the amenity of the adjoining occupiers, in accordance with local and national policy.

Refuse and Recycling

- 8.28 The submitted plans indicate refuse storage in various locations of the site which are collected by a private contractor. Full details of the waste storage and provision can be secured through a condition.

Traffic and Transportation Issues

- 8.29 The NPPF states at Paragraph 115 that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 8.30 The industrial estate in Towerfield Road hosts a wide variety of commercial and industrial uses that generate varying levels of vehicle movements. The application site has an area of vacant concrete hardstanding which is accessed via an existing vehicular access from Towerfield Road. This area serves as a parking area for the site for 9 vehicles.
- 8.31 While the adopted parking standards do not identify a maximum provision for a sui generis use, the standards identify a maximum provision of 1 space per 50sqm of floor

area for a B2 general industrial use; this would equate to 29 spaces in this case. Given the site's relative sustainability, readily accessible by public transport from other parts of the City, it is considered that a lower parking provision would be acceptable and these details can be secured by condition. Electric vehicle charging infrastructure in line with policy requirements can be secured with a condition. The Council's Highway's Officer has raised no objection to the development.

- 8.32 Cycle parking standards are expressed as a minimum requirement and in this instance at least 5 spaces would be required. The application does not include cycle storage, however, this matter can reasonably be required through a condition.

Community Infrastructure Levy (CIL)

- 8.33 As the development does not create more than 100m² of floorspace and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

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

Conclusion

- 8.36 For the reasons outlined above, whilst the development in principle represents a departure from local waste policy, in other regards it is found to be acceptable and compliant with other relevant planning policies and guidance. Although the application represents a departure from policy, the application is not considered to prejudice the strategic aims and objectives of local and national policy given the low scale of the operations proposed. The report summarises that the development is acceptable subject to relevant planning conditions in terms of flood risk, design and impact on the character and appearance of the area, impact on residential amenity, waste management and impact on highways. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

9 Recommendation

- 9.1 **GRANT PLANNING PERMISSION** subject to the following conditions:

- 01 **The development hereby approved shall be retained and operated in accordance with the approved plans: GE2325/P01 Revision B, GE2325/P02.**

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

- 02** The development hereby approved shall only operate during the following hours: 8am to 5pm Monday to Friday and 8am to 1pm on Saturday and not at all on Sundays and Bank and Public Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 03** The use of the site subject of this permission shall cease, with the exception of facilitating testing for a noise impact assessment, until such time that the mitigation measures, as detailed in the report 'Acoustic Assessment of Waste Metal Processing Centre' by ACA Acoustics dated 3rd October (The Report) have been fully implemented at the site and the results of a post completion noise survey undertaken by a suitably qualified acoustic consultant have been submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in The Report. Noise measurements for the assessment must be undertaken at the boundary of nearest noise sensitive dwelling in Jena Close. If the mitigation measures tested in the post-completion report prove to be insufficient, the use shall cease to operate until such time as additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), have been submitted to and approved in writing by the Local Planning Authority and installed and tested prior to operation. The final noise mitigation measures must be retained and maintained thereafter for the lifetime of the development.

Reason: In the interests of resident amenities further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 04** The rating level of noise for all activities hereby approved at the site (including all process operations) shall be limited to 10dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property.

Reason: In the interests of residential amenities further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 05** No processing of metal shall take place and no equipment that involves the use of cutting, grinding or crushing metal shall be used on site at any time.

Reason: In the interests of residential amenities further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 06** No more than 2 containers shall be stacked vertically on any part of the site to which this consent relates at any time. The total maximum height of any stacks of containers at the site to which this consent relates shall not exceed 5.3m above the immediately adjacent ground level at any time. Any external storage of materials or waste shall not exceed 3m above the immediately adjacent ground

level at any time.

Reason: To safeguard the character and appearance of the surrounding area in accordance with Policy DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007)

- 07 The use hereby approved shall cease and shall not operate unless within three months of the date of this decision, full details of refuse and recycling facilities for the development, including a waste management strategy, have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details within one month from approval of details pursuant to this condition and shall thereafter be retained for the lifetime of the development.**

Reason: In the interests of residential amenities and environmental quality further to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 08 The use hereby approved shall cease and shall not operate unless within three months of the date of this decision, full details of drainage systems on site and pollution management methods have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details within one month from approval of details pursuant to this condition and shall be maintained as such thereafter in perpetuity.**

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

- 09 The use hereby approved shall cease and shall not operate unless and until the recommendations, including the flood emergency response and evacuation plan for operation of the development, detailed in the Flood Risk Assessment by Evans Rivers and Coastal dated November 2023, have been implemented in full. The development shall solely be operated in accordance with these details of and maintained as such thereafter for its lifetime.**

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with National Planning Policy Framework (2023) and Policies KP1, KP2 and KP3 of the Core Strategy (2007).

- 10 The use hereby permitted shall cease and shall not operate unless within three months of the date of this decision, the 9 car parking spaces shown on the approved plan GE235/P01 Rev B have been fitted with electric vehicle charging infrastructure, at least 3 of them with active and the rest with passive infrastructure. The car parking spaces shall thereafter be retained, maintained and made available for use in association with the use of the site hereby approved.**

Reason: To ensure that adequate off-street car parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and the

requirements of the Electric Vehicle Charging Infrastructure (EVCI) for new development Supplementary Planning Document (SPD) (2021).

- 11 The use hereby permitted shall cease and shall not operate unless within three months of the date of this decision, full details of secure, covered cycle storage facilities for no fewer than 5 bicycles have been submitted to and approved in writing by the Local Planning Authority. The secure, covered cycle storage facilities shall be provided and made available for use at the site in accordance with the approved details within one month from the approval of details pursuant to this condition and shall be retained as approved for the lifetime of the development.

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

- 12 All existing external lighting shall be removed from site unless and until full details of all external lighting for the site have been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed or retained solely in accordance with the approved details thereafter.

Reason: In the interests of the amenities of the area, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

Positive and Proactive Statement:

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

Informatives:

- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

3 This permission does not convey any form of consent for external advertisement signs, consent for which may be required under the provisions of the Town and Country Planning Advertisement Regulations.

4 If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors, it is recommended that the applicant applies for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used.

If the Council becomes aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence.

The application form and guidance is available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.

5 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

6 The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

7 Maintenance of the area close to and within the watercourse, out to the centreline of the channel, is a riparian responsibility and you will find more details about this in the Environment Agency's 'Living on the Edge' document which can be found at: <http://www.environment-agency.gov.uk/homeandleisure/floods/31626.aspx> .

8 The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant should contact Water Section at Service Headquarters, 01376 576000.

9 There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can

reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. ECFRS also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

- 10 The applicant must assess whether the operation requires a permit under the Environmental Permitting (England and Wales) Regulations 2016 or any other Environmental Permit or Exemption. Details on process qualifications and applications can be found online. If you think the operations requires a permit please contact Southend-On-Sea City Council or the Environment Agency.