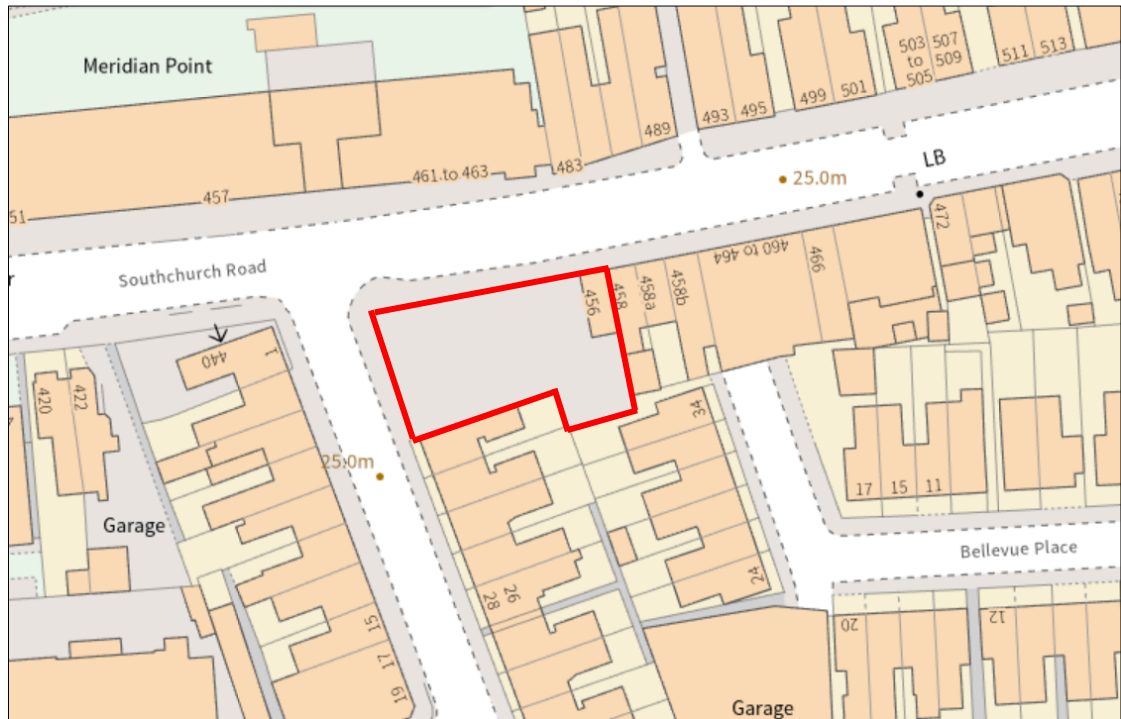


Reference:	24/00011/FUL	
Application Type:	Full Application	
Ward:	Kursaal	
Proposal:	Erect four storey building comprising commercial units on the ground floor and 8no. self-contained flats to first, second and third floors, with associated amenity space, landscaping, cycle and refuse store and car parking, form new vehicle access from Chase Road, alter elevation to shop front of existing separate two storey commercial building	
Address:	Land At 444 - 456 Southchurch Road, Southend-on-Sea, Essex	
Applicant:	Mr Stilwell	
Agent:	Miss Emanuela Borri of Scene Architecture	
Consultation Expiry:	18.03.2024	
Expiry Date:	05.04.2024	
Case Officer:	Oliver Hart	
Plan Nos:	SR-SCN-XX-XX-DR-A-01_001-A1 Rev PL02; SR-SCN-XX-XX-DR-A-01_002-A3 Rev PL02; SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02; SR-SCN-XX-01-DR-A-10_002-A3 Rev PL01; SR-SCN-XX-02-DR-A-10_003-A3 Rev PL01; SR-SCN-XX-03-DR-A-10_004-A3 Rev PL01; SR-SCN-XX-04-DR-A-10_005-A3 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_001-A1 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_001-A3 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_002-A3 Rev PL02; SC-SCN-XXXX-DR-A-ZZ.601-A3 Rev PL01	
Supporting Documents:	Design and Access Statement by Scene Ref. 1489-SR-SCN-XX-XX-PP-A-90.001-A3 Rev PL01 (dated 06.12.2023); Accommodation Schedule SH Rev 1; Drainage Strategy by Delta Simons (dated December 2023) Ref. 104167.598487; Transport Technical Note by YES Engineering Ltd. (dated December 2023); Computer Generated Images (CGI) 1 – 3.	
Recommendation:	GRANT PLANNING PERMISSION subject to CONDITIONS	



1 Site and Surroundings

- 1.1 The application site comprises an end-terraced two-storey property in commercial use on the south side of Southchurch Road and an associated open-air car sales lot at the corner with Chase Road.
- 1.2 The site is within an area of varied scale. Its immediate context includes the two-storey buildings in residential use on Chase Road and the low profile flat-roofed two-storey parade of shops and flats along the south side of Southchurch Road.
- 1.3 Opposite the site, at the north side of Southchurch Road, the street scene transitions from a two-storey parade of shops and flats to the three to six-storey Meridian Point building at the corner of Christchurch Road comprising ground floor commercial units with flats above.
- 1.4 Prevailing materials locally vary between brown and white render, brick and red roof tiles. This is further varied by the apartment building at the north side of Southchurch Road with its red tile cladding and timber cladding with white render.
- 1.5 The site is not specifically identified on the policies map of the Development Management Document and is within Flood Zone 1, the lowest probability zone.

2 The Proposal

- 2.1 The application proposes the erection of a two to four-storey flat-roofed building comprising a residential-led, mixed-use development of 2no. commercial units at ground floor (totalling 148sqm of floorspace) and 8no. self-contained units above. The residential accommodation schedule is as follows:

Table 1: Residential accommodation schedule

HOUSE/FLAT TYPE	TENURE	TYPE	SIZE	STOREYS	SQM
1B FLAT/2 PPL	PRIVATE	Flat	1B	1	53.0
1B FLAT/2 PPL	PRIVATE	Flat	1B	1	54.6
2B FLAT/3 PPL	PRIVATE	Flat	2B	1	63.0
2B FLAT/3 PPL	PRIVATE	Flat	2B	1	64.8
2B FLAT/3 PPL	PRIVATE	Flat	2B	1	65.2
2B FLAT/3 PPL	PRIVATE	Flat	2B	1	68.7
2B FLAT/4 PPL	PRIVATE	Flat	2B	1	82.5
3B FLAT/4 PPL	PRIVATE	Flat	3B	1	87.5

- 2.2 The building would have two frontages, along both Southchurch Road and Chase Road, with a stepped form of development, rising from two storeys (adjoining the existing two-storey parade of shops to the east of the site) to a maximum of four storeys at the corner with Chase Road. The dimensions of the development are; 12.6m in maximum height, 19.3m in maximum depth (along the Chase Road elevation) and 30.8m in maximum width along the Southchurch Road elevation. Finishing materials are a combination of red and light grey face brick to the main exterior walls with a dark grey zinc cladding proposed to the fourth floor.
- 2.3 Plans submitted show an undercroft form of development along Chase Road with a parking area formed partially beneath and to the rear of the proposed building, to be accessed via a proposed new vehicle crossover from Chase Road. In total, 8no. parking spaces are shown (1no. for each of the flats proposed). Two existing crossovers are proposed to be reinstated back to pavement.
- 2.4 Inset and projecting balconies are proposed to both street elevations. Separate waste storage for the commercial and residential units is shown within the footprint of the building. Cycle storage (with capacity for 10no. bicycles) is also shown within the footprint of the building. Lift access between all floors is provided and shown on submitted plans.

3 Relevant Planning History

- 3.1 The planning history which is most relevant to the determination of the current application is included in Table 2 below.

Table 2: Planning history of the application site.

Reference number	Description	Outcome
23/01385/PREAPF	Erection of two to four-storey flat-roofed building comprising a mixed-use development with 2no. Commercial units at ground floor and 8no. self-contained flats with associated amenity space, landscaping, bike and refuse store, and car parking, with vehicle access from Chase Road.	Issued
23/00226/PREAPF	Erection of three storey building comprising 8no. self-contained flats with associated amenity space, landscaping, bike and refuse store, and car parking, with vehicle access from Southchurch Road. Elevation changes to the shop front of the existing	Issued

	separate two storey commercial building	
22/01625/FUL	Erect three storey building comprising 9no. self-contained flats and elevation changes to shop front of existing separate two storey commercial building with associated parking, cycle and refuse store with vehicle access from Southchurch Road (Amended Proposal)	Refused
22/01054/FUL	Erect three storey building comprising 9no. self-contained flats and elevation changes to shop front of existing separate two storey commercial building with associated parking, cycle and refuse store with vehicle access from Southchurch Road.	Refused

Summary of Refused Applications 22/01625/FUL and 22/01054/FUL

- 3.2 Previous reasons for refusal included, design and character, namely concerns with the scale, positioning and poor detailed design of the proposed developments, overlooking of the rear garden area belonging to 10 Chase Road, failure to provide M4(2) compliant units and failure to pay RAMS.

4 Representation Summary

Public Consultation

- 4.1 112no. neighbouring properties were consulted by letter and a site notice displayed. Representations from 12no. addresses have been received objecting to the development. These are summarised below:

- Development is out of keeping / overscaled in relation to neighbouring properties;
- Development will be an 'eyesore';
- Harmful impact on residential amenities
- Development will appear overbearing;
- Overshadowing & loss of light concerns to neighbouring properties / gardens;
- Overlooking & loss of privacy concerns;
- Parking concerns;
- Detrimental impact on community infrastructure;
- Highway safety and capacity concerns from the proposed vehicle access and additional residents;
- Disruption concerns from construction activities;
- Noise and disturbance concerns;
- Detrimental impact on mental health;

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

Lead Local Flood Authority (LLFA)

- 4.2 No objection subject to submission of additional information including submission of drainage calculations and final drainage plan can be required via condition.

Environmental Health

- 4.3 No objections subject to informatives and conditions requiring a noise impact assessment, land contamination information and unexploded ordnance (UXO) risk assessment, refuse and recycling information, construction management plan including restrictions on construction hours, external lighting details and limits on commercial deliveries.

Parks

- 4.4 No objections. - Planting on Chase Road frontage and proposed green wall are satisfactory. The limited sunlight exposure limits the plant choices that can be made. A Species Rich Lawn turf should be used on the grass areas in the car park and possibly have a slightly relaxed mowing regime. This way it may be possible to benefit any pollinators in the area.

[Officer Comment:] This can be secured by condition for a landscape management plan.

Highways

- 4.5 No objections – The site benefits from being in a sustainable location with regard to public transport. 8no. off street parking spaces have been provided along with secure cycle parking.

The applicant has supplied a detailed technical note to support the development which is considered acceptable. The applicant has shown the redundant vehicle crossovers being reinstated back to footway and shown the new location of the vehicle crossover. This will need to be carried out under the appropriate highway agreement and be carried out by the Council's approved contractor.

[Officer Comment:] This can be secured by a suitably worded condition.

Private Sector Housing

- 4.6 No comments.

Design Comments

- 4.7 No objections. Summary of comments

- The stepped arrangements of heights and material changes helps to break up the massing of the proposal in the streetscene.
- The use of two tones of complimentary brick adds robustness and texture to the design and is preferable to render for this type of scheme.
- The quality of windows, doors, balconies including screens, cladding and shopfront will be important to the overall quality of the development and full product details should be conditioned.
- The full height windows and brick detailing add interest to the frontages and this is positive. The decorative bonding is important to the design and should be conditioned to be implemented as shown.
- There is a relationship between the shopfront detailing and fenestration and the upper floors including the top floor and this will make the building more cohesive - it would be appropriate to condition a signage strategy or details to ensure that signage is compatible with the design approach.
- The vehicular access to the side is appropriate and the positive detailing of the brickwork adjacent to the pedestrian entrance helps to highlight the pedestrian

entrance which would otherwise be rather hidden and draw the eye away from the vehicular access and this welcomed.

- The slight set back to the attached neighbour to the site at the top level will reduce the projection of the corner of the building above the roofline and is appropriate in this context and will enable some soft planting to the side street.
- The green wall and climbers are important to soften the outlook of rear windows and parking area and should be conditioned.

London Southend Airport

- 4.8 No objections. Informative to be added requesting separate agreement for the use of any crane or piling rig.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it has been called in by Councillor Matt Dent.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2023)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 6.7 Southend-on-Sea Design and Townscape Guide (2009)
- 6.8 Technical Housing Standards Policy Transition Statement (2015)
- 6.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.12 Guide to Section 106 & Developer Contributions (2015)
- 6.13 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

6.14 Vehicle Crossover Policy (2021)

7 Planning Considerations

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

8 Appraisal

Principle of Development

Loss of Employment and Provision of Housing

- 8.1 This site is not specifically designated in the development plan. Paragraph 127 of the NPPF states that: *Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: ... (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.*
- 8.2 The NPPF encourages effective use of land, in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 8.3 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City.
- 8.4 The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties, a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 8.5 For the proposed provision of housing which within this proposal's overall 8 units would include 5No x 2-bed and 1No x 3-bed unit, the HDT and 5YHLS weigh in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.
- 8.6 Policies CP1 of the Core Strategy and DM11 of the Development Management Document seek to resist planning permission for proposals which would involve the loss of existing employment uses.
- 8.7 Policy CP1 of the Core Strategy states that permission will not normally be granted for

development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.

- 8.8 The proposal seeks a mixed-use development comprising two commercial units to the ground floor with residential development to the upper levels.
- 8.9 The extent of commercial space at the site compared to that currently will be reduced as a result of the development. This is a mixed-use area. The site has no policy designations controlling use either in terms of employment or retail. It does not constitute a primary or a secondary shopping frontage or an employment site. Therefore, it is considered that a mixed-use development is compatible with the local policy context and the character of the area.
- 8.10 The tilted balance in favour of sustainable development for housing is also applicable due to the housing needs of the City. The change of use of the site to a housing-led mixed-use development is therefore considered to be acceptable in principle and the proposal is considered to be policy compliant as a matter of principle.

Design and Impact on the Character of the Area

- 8.11 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.
- 8.12 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 8.13 Southchurch Road is a principal route through the city. It has a very mixed character along its length, including some taller buildings up to six storeys. A development comprising a partial fourth storey, subject to careful design and detailing in this location is not considered to appear as an unduly incongruous or harmful feature in this context as a matter of design principle.
- 8.14 The application site itself occupies a prominent corner position containing a car sales lot. The existing open car sales lot is an established neutral feature but one that is a weak contributor to the urban grain and streetscene.
- 8.15 The proposed development would infill the presently undeveloped space and adjoin to both a two-storey mixed-use shopping parade to the east, and two-storey dwellings and flats along Chase Road to the south. Opposite the site is a part three / part six storey mixed-use block, Meridian Point.
- 8.16 The proposal responds to these factors through its design, principally via a stepped profile and height, with a two-storey, flat-roofed element adjoining the shopping parade to the east, with the height and scale of the development increasing to four storeys at the junction of the streets, before reducing down to three storeys as the development adjoins the properties along Chase Road. This stepped arrangement is considered appropriate

and would link development along Southchurch Road and Chase Road in an acceptable manner creating a visual point of interest at the corner of the urban block. The design also responds positively to the site's configuration incorporating features such as angled balconies that add to visual interest.

- 8.17 The fourth storey element itself is well-proportioned and appropriately laid out at the junction edge. This is aided by the significant set back from both Southchurch and Chase Road frontages as well as its angled layout, with the form reducing to the junction edge. When this is considered together with the raised parapet roof form at the third storey level, limiting the extent of built form visible from street level and the presence of proportional glazing to its elevations, the resulting presence and massing of the development, inclusive of the fourth storey, is considered acceptable.
- 8.18 When considering the detailed design of the development, a variety of balconies (both projecting and inset) to both street frontages, together with a significant amount of glazing, further break up the massing and add interest to the development and the wider streetscene. Regard is also had to the continuation of the commercial parade at ground floor with the provision of an active frontage which is a positive element of the design.
- 8.19 The use of two complementary tones of brick adds robustness and texture to the design. The quality of windows, doors, balconies (including screens), cladding and the shopfront will be important to the overall quality of the development and full product details can be required by conditions. The indicative materials shown on submitted plans do appear generally acceptable and would respond positively to the materiality within the immediate surroundings. The full height windows and brick detailing add articulation and visual interest to the frontages and are a positive element. The decorative brick bonding is important to the design. Without this the design would appear plain and flat. A condition can be imposed to require this detail to be implemented as shown on the submitted plans. The building's rear (southern) elevation, which will have no material impact on public views, is simpler in appearance driven by the window arrangement which is secondary in function and which is designed to prevent overlooking of gardens to the south. That balanced approach is supported.
- 8.20 The brickwork detailing adjacent to the pedestrian entrance helps to highlight the pedestrian entrance which would otherwise be rather hidden and draws the eye away from the vehicular access. This is a positive aspect of the design and assists with the definition of the entrance point.
- 8.21 A landscaping plan with planting schedule has been submitted, demonstrating the provision of planters, a living green wall and climber-planting to the boundary walls to the Chase Road frontage and within the proposed rear car parking area. The green wall and climbers are important to soften the outlook of rear windows and parking area and the submitted landscaping plan can be conditioned. A management plan for such planting can also be required along with details of hard landscaping.
- 8.22 Overall, it is considered that, subject to the described conditions, the proposal would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area so is acceptable and policy compliant in the above regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.23 Delivering high quality homes is a key objective of the NPPF and is reflected in Policy DM8 of the Development Management Document. Policy DM3 of the Development

Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents. Policy DM1 requires developments to provide an internal and external layout that takes account of all potential users. Policy DM8 requires new dwellings to comply with the residential space standards, to be flexible to meet the changing needs of residents and ensure the provision of outdoor amenity space.

- 8.24 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table. The relevant dimensions of the proposed scheme are also shown on the table below. Where the flats either meet or exceed the minimum standards, this is highlighted in green.

Table 3: Space Standards and proposed unit sizes

	Flat No.	Area (m ²)	Bedroom 1	Bedroom 2	Bedroom 3	Storage area (m ²)	Meets the Standards?
Standard for 1-bed, 2-person unit	N/A	50	11.5m ² Wmin=2.75m	N/A	N/A	1.5	N/A
Proposed 1-bed, 2-person unit	2	53	14.2m²; Wmin=3m	N/A	N/A	2	Y
	3	54.6	14.1m²; Wmin=3m	N/A	N/A	2	Y
Standard for 2-bed, 3-person unit	N/A	61	11.5m ² ; Wmin=2.75m	7.5m ² ; Wmin=2.15m	N/A	2	N/A
Proposed 2-bed, 3-person unit	1	63	12.3m²; Wmin=2.8m	8m²; Wmin=2.3m	N/A	2	Y
	5	64.8	12.6m²; Wmin=2.9m	8.4m²; Wmin=2.3m	N/A	2.3	Y
	6	68.7	12.7m²; Wmin=3.25m	9.6m²; Wmin=2.5m	N/A	3	Y
	7	65.2	13.6m²; Wmin=2.95m	8.6m²; Wmin=2.3m	N/A	2	Y
Standard for 2-bed, 4-person unit	N/A	70	11.5m ² ; Wmin=2.75m	11.5m ² ; Wmin=2.55m	N/A	2	N/A
Proposed 2-bed, 4-person unit	4	82.5	15.3m²; Wmin=3m	13.9m²; Wmin=2.8m	N/A	4	Y
Standard for 3-bed, 4-person unit	N/A	74	11.5m ² ; Wmin=2.75m	7.5m ² ; Wmin=2.15m	7.5m ² ; Wmin=2.15m	2.5	N/A
Proposed 3-bed, 4-person unit	8	78	13.4m²; Wmin=3m	9.6m²; Wmin=2.65m	8.2m²; Wmin=2.15m	3.5	Y

- 8.25 Table 3 above demonstrates that all the proposed units would either meet or exceed the NDSS. Having regard to the position and orientation of proposed windows, it is considered all habitable rooms would have satisfactory levels of outlook and daylight and no objections are raised on this basis.

- 8.26 Policy DM8 requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards. This includes providing step free access to all flats. The

plans show the development would be served by lift access between each floor. Compliance with this standard can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

- 8.27 The development has been designed to achieve satisfactory inter-looking relationships between its units. Measures include the provision of privacy screening on external balconies and the incorporation of high-level windows to the rear of the development to prevent direct inter and over-looking between units and where appropriate.
- 8.28 In relation to the provision of amenity space, Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."
- 8.29 All the proposed dwellings have a private external amenity area of between 7.3sqm and 17sqm, with the unit capable of family sized occupation (3-bedrooms) benefitting from a 17sqm outdoor amenity area. These provisions will provide adequate amenity space for all residents. The proposal is therefore acceptable and policy compliant in this regard.
- 8.30 The Council's Environmental Health Officer has raised the matter of potential noise for future occupiers from traffic using London Road and from the potential future operation of the commercial units on the site. This can be addressed via a Noise Impact Assessment which would set out any mitigation measures such as window specifications and restricting opening and delivery hours and acoustic housing for any plant to address noise and disturbance from these sources. This can be secured by condition. A condition is also recommended restricting the use of the commercial unit to Class E only.
- 8.31 No contaminated land report has been submitted with this application. The Environmental Health officer has commented that the site is classed as being potentially contaminated land due to the historic use of the site as a garage and a phase 1 report is necessary. The Environmental Health officer also advises that a UXO risk assessment should be provided for the site. It is appropriate to secure that through a planning condition.
- 8.32 Overall therefore, subject to the described conditions the proposal would provide an acceptable standard of accommodation for its future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 8.33 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.
- 8.34 The nearest residential properties affected by the proposal are Nos 10 Chase Road and 34 Bellevue Place to the immediate south of the site, first-floor flats at Nos 3A, 7A and 9 Chase Road to the immediate west and south-west of the site, and flats within Meridian Point to the immediate north of the site, on the opposite side of Southchurch Road.

- 8.35 Taking each in turn, there are no side windows in the flank elevation of 10 Chase Road adjacent to the application site. The L-shaped nature of development across the Southchurch and Chase Road frontages is such that development would be removed from the shared rear/flank boundary of 10 Chase Road's garden by some 8m. This distance is sufficient to preclude any loss of outlook or dominance/overbearing impacts. The position of 10 Chase Road to the south of the application site is such that the proposal would not give rise to overshadowing or loss of light to any harmful degree.
- 8.36 With regards to 34 Bellevue Place, the orientation of the proposed development to its north-west is such that direct views of the development from rear openings would not be possible, with no associated harmful outlook, dominance or overbearing impacts. Moreover, the separation of development from No.34's rear garden would be in excess of 12m. As with 10 Chase Road, this distance, together with the position of 34 Bellevue Place to the south of the application site is such that the proposal would not give rise to any harmful overshadowing or loss of light to neighbouring occupants.
- 8.37 In terms of overlooking, habitable room rear windows within the Chase Road element of the development would be positioned at an angle away from those neighbouring rear gardens belonging to Nos 10 Chase Road and 34 Bellevue Place, precluding direct views. Moreover, the windows positioned to the rear of the Southchurch Road frontage are noted as 'high-level' windows and serve non-habitable accommodation. A condition can be imposed requiring these high-level windows be obscure glazed to prevent any potential overlooking. On this basis, no objections are raised in this regard.
- 8.38 Owing to the staggered nature of the proposed development, the first-floor flats belonging to Nos 3A, 7A and 9 Chase Road to the immediate west and south-west of the site are positioned some 15.3m from the main body of the development and some 16.5m from the fourth-storey element. On this basis, the separations are such that the proposed development would not harm the receipt of light and outlook, nor would it give rise to an undue sense of enclosure, dominance or overlooking impacts on these neighbouring occupants.
- 8.39 The separation distances are increased to in excess of 18m from the flats within Meridian Point to the immediate north on the opposite side of Southchurch Road. Similarly, the separations are such that the proposed development would not harm the receipt of light and outlook, nor would it give rise to any undue sense of enclosure, dominance or overlooking for those neighbouring residents.
- 8.40 The development would introduce additional occupiers to the land with some impacts in terms of noise and activity. The site is within a built-up area and has historically been in a commercial use. The impacts of residential development at the site are considered in principle acceptable with regard to noise and activity in general. Car parking is proposed to the rear of the site and next to rear garden boundaries of Nos 10 Chase Road and 34 Bellevue Place. That part of the site has historically been in use for parking purposes. The proposal's car park has a maximum capacity of 8No vehicles. Activity associated with vehicles accessing and egressing the site and using this scale of parking area would not give rise to harmful noise and disturbance.
- 8.41 In relation to the proposed commercial units within the development, the mixed character of the area and its location facing Southchurch Road are such that there are no concerns that this use would give rise to unacceptable levels of noise and disturbance on any neighbours subject to the conditions set out in other relevant sections of this report. In the

circumstances of this application, it is considered reasonable to restrict the use of the commercial units to Class E activities only.

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

Traffic and Transportation Issues

- 8.44 The NPPF states (paragraph 115) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 8.45 Policy DM15 of the Development Management Document states: "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner." The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport.
- 8.46 Assessed against the parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit.
- 8.47 The two commercial units are proposed to be in Class E Use. The current maximum commercial parking standards, as set out in Appendix 6 of the Development Management Document are determined based on the previous Use Class Order. The standards are different for shops, professional services, restaurants, offices, indoor recreation etc. which are now amalgamated into Use Class E. As such, the maximum parking spaces for the Class E commercial units proposed would vary from a potential maximum requirement of 1No space per 5sqm (restaurant use) to 1No space per 30sqm (business use). On that basis the commercial units would generate a maximum parking requirement of between 5 to 30 parking spaces. It is stressed that these requirements are expressed as maximum, not minimum figures.
- 8.48 8No off-street car parking spaces would be provided as part of the development for dedicated use by the residential units (1 space per flat) which is fully policy compliant. No off-street parking is proposed for the commercial units.
- 8.49 This position is supported by a Transport Technical Note. This highlights the highly sustainable location of the site, close to Southend East Rail Station (some 5 mins walking distance away) and main bus links from Southchurch Road as well as on-street parking (including public car parks). Moreover, TRICS data show that the Class E commercial use is predicted to generate a maximum of 3 to 4 vehicle movements per hour over a 10-hour day (8am to 6pm) should both units contain cafes- although this has not been confirmed- and has been used solely as an example. The demand for parking is therefore

considerably less than that set out in the maximum parking standards associated with this land use. It is also likely that link trips will occur to a degree. The car parking associated with the Class E units can be readily accommodated on-street on Southchurch Road within the short stay parking bays or within Ilfracombe public car park.

- 8.50 Furthermore, the Census data for method of travel to work for the area surrounding the site demonstrates that only 28% of people living in this area uses a car to drive to work. This means staff are less likely to drive to work. Taking the above into consideration it is appropriate to expect staff and customers/visitors of the Class E units to use the public parking provision should they want to drive in this sustainable location.
- 8.51 On this basis, zero parking for the two commercial units is justified in this instance. Highways officers have not objected to the scheme on this basis.
- 8.52 Internal, covered and secure cycle parking for 10No bikes is shown on the submitted plans. A condition will be imposed requiring that each flat (8) and commercial unit (2) is assigned a single cycle parking space which is in accordance with the policy requirements.
- 8.53 In line with the Council's adopted Electric Vehicle (EV) charging schedule for new dwellings, a condition is attached requiring all of the car parking spaces to be fitted with EV charging points.
- 8.54 No information has been provided in relation to the servicing of the commercial units. This can be required and controlled through a condition.
- 8.55 The proposed parking area would be accessed via a newly formed vehicle crossover some 4.8m wide. This would accord with the Council's vehicle crossover policy and is acceptable. No objections have been raised by Highways officers. Separately, Highways officers state that the applicant will be required to enter into a Section 278 agreement to return the redundant vehicle crossovers back to footway and create the new entrance to the parking area. A suitably worded condition can deal with this.
- 8.56 Overall, subject to the described conditions, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The proposal is acceptable and policy compliant in the above regards.

Waste and Recycling Storage

- 8.57 The residential waste store would comprise 4no. 1100L Eurobins and a food waste bin. The Eurobins would be split; 2no. for waste and 2no. for recycling. This would accord with the Council's waste guidance for new developments.
- 8.58 A separate waste store comprising general waste and recycling bins for the commercial units is shown. The form and capacity of the provision is considered to be acceptable. A condition is imposed for details of the commercial waste management to be submitted and agreed by the Local Planning Authority.

Energy and Water Sustainability

- 8.59 Policy KP2 of the Core Strategy requires that *"at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*. Policy DM2 of the Development Management

Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions. [...] All new development that creates additional residential and/or commercial units, should be energy and resource efficient by incorporating [...] requirements”* such as *“Water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting”*.

- 8.60 Whilst solar panels are shown on submitted plans, no information has been provided to demonstrate how the development meets the 10% policy requirement or how it would achieve the required maximum water usage. The requirement for renewable energy and restrictions on water usage can be controlled with conditions provided any such externally mounted technologies respect the character and appearance of the building and the wider area.
- 8.61 This aspect of the proposal is, therefore, considered to be acceptable and policy compliant in these regards, subject to conditions.

Flood Risk and Drainage

- 8.62 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 8.63 The site is located within Flood Zone 1, the lowest risk zone, so is sequentially preferable for residential development. A drainage strategy has been submitted with the application which sufficiently meets the Lead Local Flood Authority’s (LLFA) requirements at this stage of the development. Drainage calculations and a final drainage plan are required for which a planning condition will suffice.
- 8.64 No objections are raised on this basis.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 8.65 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council’s duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. The proposal is therefore considered to be acceptable and policy compliant in this regard.
- 8.66 The applicant has paid the relevant tariff. The development would offer suitable mitigation of the in-combination effect of the net increase of 8no. dwellings on habitats and species. The development is acceptable and in line with policies in this regard.

Community Infrastructure Levy (CIL)

- 8.67 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 proposed development includes a gross internal area of some 774sqm of residential and 148sqm of commercial floorspace which may equate to a CIL charge of approximately £24,852.92 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity

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

9 Conclusion

- 9.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development, including use of this mainly open land for housing is acceptable. The proposed design and scale of the development would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area. Subject to conditions the proposal would have an acceptable impact on the amenities of neighbours. The proposal would provide an acceptable standard of accommodation for new occupiers. There would be no significant harmful traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability and ecology.
- 9.2 The proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to conditions. Should Members identify any areas of harm and should they reach a different conclusion from officers on those individual considerations then this needs to be balanced against the public benefits of the proposal including as identified within the body of the report. This proposal creates new housing, therefore, when assessing any harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered

against the policies of the Framework taken as a whole. The proposal has been found to be acceptable in all relevant regards and is therefore recommended for approval, subject to conditions.

10 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.**

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

- 02 The development hereby approved shall be carried out in accordance with the approved plans: SR-SCN-XX-XX-DR-A-01_001-A1 Rev PL02; SR-SCN-XX-XX-DR-A-01_002-A3 Rev PL02; SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02; SR-SCN-XX-01-DR-A-10_002-A3 Rev PL01; SR-SCN-XX-02-DR-A-10_003-A3 Rev PL01; SR-SCN-XX-03-DR-A-10_004-A3 Rev PL01; SR-SCN-XX-04-DR-A-10_005-A3 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_001-A1 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_001-A3 Rev PL01; SR-SCN-XX-ZZ-DR-A-ZZ_002-A3 Rev PL02**

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

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

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

- 04 Notwithstanding the plans hereby approved, the development shall not be brought into first use unless and until a signage strategy has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. This shall include details of the location, materials and design approach to signage at the site. The signage at the site shall then be installed in full accordance with the agreed strategy. Any illuminated signage or signage above first floor window level will also require advertisement consent.**

Reason: To ensure the development suitably maintains and enhances the character and appearance of the area in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full details of hard landscaping works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard landscaping details shall be completed in full accordance with the approved details prior to first occupation of the development.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

- 06 The soft landscaping details contained within the proposed landscape plan 'SC-SCN-XXXX-DR-A-ZZ.601-A3 Rev PL01' shall be delivered in full accordance with the details hereby approved within the first planting season following first use or occupation of the development hereby approved. The grassed areas must comprise a species rich lawn turf only.**

Prior to first occupation of the development hereby approved, a Landscape Management Plan containing details for the long-term management of the areas of planting within the site, including the Green Walls and the areas of fencing identified for climber planting on approved drawing no SC-SCN-XXXX-DR-A-ZZ.601-A3 Rev PL01 shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall be managed in accordance with the approved management plan. The Green Wall and the areas of fencing identified for climber planting shall be maintained in perpetuity and managed in accordance with the approved management plan.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping are implemented pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

- 07 Prior to the first occupation or first use of the development hereby approved, the separate residential and commercial waste storage facilities and the cycle storage facilities shown on the approved plan SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02 shall be provided and made available for use by the occupiers and users of the development. With regards the cycle parking, 1 space shall be allocated to each flat (8 in total) and commercial unit (2 in total). These areas shall be retained for the lifetime of the development in accordance with the approved details included in the**

approved plan SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02.

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

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

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

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

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

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers and highway safety in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 DM3 and DM15 of the Development Management Document (2015).

- 10** The eight (8No) car parking spaces shown on approved plan 'SR-SCN-XX-00-DR-A-10_001-A3 Rev PL02' shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles of the occupiers and visitors to the approved dwellings.

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

Infrastructure for New Development Supplementary Planning Document (2021).

- 11** Prior to first occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to and agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 12** The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (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 before they are occupied.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

13 **A** **Site Characterisation**

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

- i.** a survey of extent, scale and nature of contamination
- ii.** an assessment of the potential risks to:
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- iii.** an appraisal of remedial options, and proposal of the preferred option(s).

B. Site Remediation Scheme

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

C. Remediation Implementation and Verification

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. The development shall not proceed until the verification report has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

D. Reporting of Unexpected Contamination

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

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

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

Reason: This pre-commencement condition is required 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).

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

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

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

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

- 15 The commercial units hereby approved shall only be used for purposes falling within Use Class E as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.

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

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

Reason: To protect the environment of people in the development and general

environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

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

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

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

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

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

- 20 Before the development hereby approved is occupied or brought into use, the residential units hereby approved shall be carried out in a manner to ensure that they comply with the building regulation part M4(2) 'accessible and adaptable dwellings' standard.

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

- 21 Prior to first occupation of the development hereby approved, the high-level windows to the southern side elevation of the Southchurch Road frontage building shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

- 22 Notwithstanding the submitted drainage details which are otherwise agreed, no drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems (SuDS) principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details must have regard to the following;

- i) Drainage calculations must be provided showing climate change at +45% (currently at +40%) and showing both the summer and winter CV values at 1.
- ii) Provision of a final drainage plan as the current one is shown to be a sketch design of the drainage.

The development must only be implemented in accordance with the details approved under this condition and the conclusions and recommendations contained in the Drainage Strategy by Delta Simons (dated December 2023) Ref. 104167.598487.

The approved drainage works must be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

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

- 23 The high-level windows within the rear (southern) elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the Local Planning Authority) and fixed shut and shall be retained as such in perpetuity thereafter.

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

- 24 Occupation of the development hereby approved shall not begin unless and until the reinstatement of the existing vehicle crossovers serving the site has been

completed and unless and until the new vehicle crossover hereby approved has been provided and made available for use by the occupiers of the development.

Reason: In the interest of pedestrian and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM14 of the Development Management Document (2015).

- 25 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than for site preparation purposes shall take place unless and until an Unexploded Ordnance (UXO) Preliminary Risk Assessment of the potential for unexploded ordnance at the site is undertaken by competent persons and a report is submitted to and approved in writing by the Local Planning Authority. Any recommendations for further action included in the report, shall be undertaken solely in accordance with the approved report at the timing recommended in the approved report.

Reason: This condition is required to ensure that any historic ordnance on the site is identified and treated so that it does not harm anyone who uses the site in the future in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

Positive and proactive statement:

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

Informatives:

- 1 Please note that the development which is the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development, it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infr)

[astructure levy](#)) or the Council's website (www.southend.gov.uk/cil).

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 3 Advertisement signage associated with the development may require consent under separate Advertisement legislation.
- 4 Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.
- 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 Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.
- 7 The applicant has shown the redundant vehicle crossovers being reinstated back to footway and shown the new location of the vehicle crossover. This will need to be carried out under the appropriate highway agreement and be carried out by the Council's approved contractor.