

Reference:	16/00889/FUL	
Ward:	Shoeburyness	
Proposal:	Change of use from offices (Class B1) to six dwellinghouses (Class C3), alter front and rear elevations with balconies to rear, layout refuse, cycle storage and associated parking and amenity space to rear	
Address:	Unit 6, New Garrison Road, Shoeburyness, Southend-on-sea Essex, SS3 9BF	
Applicant:	The Garrison LLP	
Agent:	Pomery Planning Consultants Ltd	
Consultation Expiry:	27.07.2016	
Expiry Date:	29.08.2016	
Case Officer:	Janine Rowley	
Plan Nos:	01 Revision B; 05 Revision B; 06 Revision B; 07 Revision B; 08 Revision B; 09 Revision B	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to change the use from offices (Class B1) to six dwellinghouses (Class C3), with alterations to the front and rear elevations with balconies to rear (south elevation), layout refuse, cycle storage and associated parking and amenity space to rear.
- 1.2 The dwellings would include the following internal floorspace and amenity areas to the rear (south of the site). The plots are from west to east:

House	Bedrooms	Internal Floorspace	Garden
1	4 bedrooms (7 persons)	155.8sqm	92sqm plus 10.4sqm balcony
2	4 bedrooms (7 persons)	192.9sqm	98sqm plus 5.8sqm balcony
3	4 bedrooms (7 persons)	149.3sqm	89sqm plus 8.6sqm balcony
4	4 bedrooms (7 persons)	148.6sqm	83sqm plus 8.6sqm balcony
5	4 bedrooms (7 persons)	191sqm	88sqm plus 5.4sqm balcony
6	4 bedrooms (7 persons)	155.9sqm	87sqm plus 10.3sqm balcony

- 1.3 A parking forecourt is proposed to the south of the gardens accessed from New Garrison Road with 12 parking spaces, two per dwelling. The amenity space is located to the rear of each dwelling.

2 Site and Surroundings

- 2.1 The site is located on the northern side of New Garrison Road and is currently a vacant two storey office building since the redevelopment of the area (00/00777/OUT). To the west of the site is Sainsburys, to the east of the site is Evolve Telecoms and opposite the site is Hinguar School. To the north of the site on Westgate are two storey properties.
- 2.2 Unit 6 New Garrison Road was built as an industrial/office unit as part of the wider redevelopment of Shoebury Garrison but has remained vacant for a number of years. It is the centre building in a group of three similarly designed units on the northern side of New Garrison Road. The buildings have a simple gabled form with metallic roof, yellow brick and large grey metal windows. The larger of the other units to the east is an office whilst the smaller unit to the west is a local convenience store. The buildings are dual frontage with their primary entrances and parking areas to New Garrison Road and a secondary frontage onto Westgate to the north. This is a prominent site which marks the west entrance to the historic Shoebury Garrison and is within the setting of the listed Garrison Church situated a short distance to the east.

- 2.3 The site is designated by the Development Management Document as with an Employment Land Area and is within flood risk Zone 3 (high risk).

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, flood risk, design, traffic and parking issues, impact on neighbouring properties, living conditions for existing/future occupiers, CIL, sustainable construction, SUDs and CIL requirements.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP1, CP2, KP2, CP4, CP8; DPD2 (Development Management) policies DM1, DM3, DM7, DM10, DM11, and the Design and Townscape Guide SPD1 (2009)

Employment

- 4.1 The site is located on land that has not been previously developed. The core planning principles of the NPPF include:

“To encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

- 4.2 The existing site is currently vacant and has been designated as employment land by the Development Management Document DPD2.
- 4.3 Policy CP1 of the Core Strategy states that permission will not normally granted for development proposals that involve the loss of existing employment land unless it can be clearly demonstrated that the proposals 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.
- 4.4 The site is located within an area that is promoted as a location for increased modern employment floorspace as set out in policy DM11 of the Development Management Document DPD2.
- 4.5 Part 2 of policy DM11 of the Development Management Document DPD2 states that the Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas as designated on the policies map, in which this site is located. The policy states: *“Proposals that fall outside of a Class B employment use will only be granted permission where:*
- *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 Borough 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.(2 year marketing exercise); 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.

4.6 Appendix 4 part c of the Development Management Document states:

"The appraisal will set out an analysis identifying the advantages and limitations of the site or premises in question to accommodate employment uses. For each limitation that is identified, a justification should be provided as to why it could not be overcome having regard to the introduction of alternative employment uses, general investment or improvements, or through competitive rental levels.

In addition, the appraisal should include, but is not limited to, the following analysis:

1. The relevant national, regional, local planning and economic policy context;
2. The quality of the buildings/ site;
3. The accessibility of the site and its ability to serve a range of employment uses having regard to private and public transport; and
4. Any constraints that will limit the future use of the site or premises for employment uses.

Additional marketing and market demand information, reflecting Part A and/ or Part B as set out above, may be used to support the appraisal.

Comparison with other employment sites or areas within the locality should discuss issues that are relevant to the site or premises".

4.7 This application is accompanied by a planning statement, which provides an overview of the historic records relating to this site. The applicant states:

"The premises have been unoccupied since construction and have been actively marketed for a number of years. The accompanying marketing report by Ayers and Cruicks states that the application building, along with the employment buildings either side, were placed on the market in September 2011. The eastern building was subsequently sold to Evolve Telecom at a very concessionary rate. In the 5 year marketing period, there have been only 2 serious approaches regarding the application building; the first in August 2012 by a company who have since ceased trading due to financial difficulties; and the second in May 2012 by an individual who wanted to change the use of the building to a D2 leisure use. The western building is now let to Sainsbury's for a local store, but required a change of use from B1 to A1 retail. In addition to direct canvassing, extensive mailing and electronic marketing there are also For Sale/To Let boards on the property.

In the last few months, planning permission was granted for a further 15,000sqm of offices on vacant land neighbouring the site at Barge Pier Road. This permission allows 15 times the amount of floorspace involved in this proposal, therefore the reuse of this site for housing will not leave the area short of alternative employment uses”.

- 4.8 The site has been marketed by Ayers and Cruiks since September 2011 by rightmove, EGI and Estate Agent’s Clearing House. The letter states the site has been marketed and confirms there have been two enquiries to convert the building one for a leisure use and one for an office firm however, both were not proceeded with due to the company ceasing and not enough trading history for security reasons. The site has therefore been actively marketed without success complying with criteria C (i) of policy DM11 of Development Management Document DPD2.
- 4.9 With respect to the proposed residential use being compatible with and not compromising the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses as stated within the criteria set out under C(ii) of policy DM11 of Development Management Document DPD2 the applicant states the site to the west is Sainsbury’s local store. The planning support statement accompanying this application states given the type of convenience store and the associated delivery movements that are far less than larger stores and the store opening times are also compatible with neighbouring uses. However, a letter of objection has been received by Sainsburys to the west of the site and this will be discussed in more detail below. In relation to the east of the site, no objection is raised in terms of not being compatible with the office uses taking into account the hours of operation between Monday to Friday.
- 4.10 In relation to part iii of part ‘c’ policy DM11 states *“the alternative use cannot be reasonably located elsewhere within the area it serves”*. The applicant contends the proposal seeks to make efficient use of land or buildings by securing an alternative use for a building that has remained empty for a significant period of time. This is in accordance with the NPPF and the need to support sustainable local communities. The scheme will provide 6 family dwellings thereby contributing to the mix of dwellings within the area and reducing pressure on greenfield sites. The family type of dwellings will contribute to the shortage recognised in policy DM7 of the Development Management Document DPP2, whilst contributing to housing completion requirements by policy CP8 of the Core Strategy DPD1.
- 4.11 Part iv of part ‘C’ of policy DM15 of the Development Management Document DPD2 states that *“the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking”*. Given the site could accommodate office uses; the associated movements with four new dwellinghouses would be significantly lower. Each dwellinghouse would benefit from two parking spaces per unit and will not generate noise or odour as potentially associated with office uses. It is not considered the proposal will result in a traffic generation, noise odour or vehicle parking.

4.12 In light of the above, it is considered the applicant has provided sufficient information to justify an exception to current planning policy, whereby there are a number of vacant sites within Shoebury and the wider Borough of Southend that are currently marketed and vacant for industrial purposes and there is no long term or reasonable prospect of the proposed site being developed and used for Class B purposes. It is also not considered the proposed development will result in a use that is incompatible with and will not compromise the operating conditions for other employment users in the vicinity of the site. On balance, taking into account the supporting information provided, the applicant has demonstrated there are a number of other employment sites available that are currently vacant or have not been redeveloped within Shoebury and the wider area of Southend. As such the loss of this employment site will not harm the overall employment growth of the area and provide much needed family accommodation in accordance with policy DM7 of the Development Management Document DPD2.

Flooding

4.13 The National Planning Policy Framework requires new residential development within flood zones to satisfy the flooding sequential test and exceptions test. The site is located within flood risk zone 3, the high risk zone respectively. The proposal is for four dwellings, which is considered to be 'more vulnerable' development according to the technical guidance to the National Planning Policy Framework. The application is therefore required to pass the sequential and exception tests.

4.14 The proposed site falls within an employment land area as designated by Policy KP1 of the adopted Core Strategy and policy DM11 of the Development Management Document.

4.15 Shoebury is identified as an area for regeneration and growth within the Core Strategy, and 1,400 new homes earmarked for Shoebury within the plan period. Thus the sequential test need only be applied within the Shoebury area. In relation to being a 'more vulnerable' use, it is proposed by the applicant that flood risk measures will be required to mitigate against and manage it, including measures to make the buildings resilient to flood risk. The existing site currently comprises undeveloped land.

4.16 The application is accompanied by information to inform a sequential and exceptions test and Flood Risk Assessment carried out by Evans Rivers and Coastal Limited. In accordance with the Environment Agency Standing Advice regarding development and flood risk in England, the EA requires a staged approach based on the following:

- Stage 1 strategic application and development vulnerability;
- Stage 2- defining the evidence based; and
- Stage 3- applying the Sequential Test

These stages are discussed below.

4.17 *Stage 1-Strategic Application and Development Vulnerability*

The site as part of the wider Shoebury Garrison development has previously undergone the Sequential Test as a commercial/light industry but not as residential use; therefore a sequential test for other uses has not been carried out before.

The development proposals are considered to be 'more vulnerable' (residential/) and are located within tidal Flood Zone 3a.

4.18 *Stage 2- Defining the Evidence Base*

Alternative development sites have been identified in Shoebury via the Local Development Framework in terms of the Annual Monitoring Report and Strategic Housing Land Availability Assessment.

The Council has identified a five year housing supply and development of this site would be a windfall in terms of providing new housing. Windfall sites are those that have not been specifically identified as available in the Local Plan process that have suddenly become available. The site as a windfall site has the potential to facilitate sustainable development while contributing to the growth targets set out in the Core Strategy for dwellings.

4.19 *Stage 3-applying the Sequential Test*

The applicant has submitted information to inform a sequential and exception test dated May 2016 carried out by Evans Rivers and Coastal Limited. The report states that there is no local plan policy to exclude from the windfall provision land falling within flood zones 2 and 3a.

4.20 The applicant concludes: *"The sequential test has revealed there are no SHLAA or Local Plan allocated sites in Shoebury for small windfall sites that would be sequentially preferable than the application site. The Council's planning portal shows no sites available for development. In any event windfall sites make up over 81% of the Council's housing supply of which some 25% are small windfall sites. These are included in the Council's five-year housing supply. The sequential test has confirmed there are no other sites sequential preferable to the application site"*.

4.21 Following review of further information in relation to the sequential test, a review of sites available in Shoebury in the Strategic Housing Land Availability Assessment and discussions with Councils Housing team, it is apparent there are no other reasonable sites available within Shoebury to accommodate development as proposed and in light of this the proposed development is considered a windfall site. Therefore, no objections are now raised to the proposed development on flood risk grounds, as there are no other reasonably available sites.

- 4.22 In terms the exceptions test, for the exceptions test to be passed the development must provide wider sustainability benefits, be on previously developed land and by way of a Flood Risk Assessment, demonstrate the development will be safe in flood risk terms. It is noted the development is on previously developed land, and subject to conditions, could be considered to have sustainability benefits. Furthermore, no objection has been raised by the Environment Agency to the flood risk assessment submitted carried out by Evans May 2016 reference 1567/RE/02-16/01 Revision C as the development will provide a tolerable level of safety for occupants for the lifetime of the development. The applicant has submitted a flood response plan carried out by Collins Coward Limited, which ensures residents are aware of safe egress routes in the event of a breach of flood defences.

Design and impact on the character of the area

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management) policies DM1, DM3 and the Design and Townscape Guide SPD1 (2009)

- 4.23 The proposal seeks to convert the existing vacant building into 6 houses. No extensions are proposed however there are some alterations to the building including a change of fenestration configuration and new entrances to the north, new windows, balconies and extension of roof eaves to the south. It is intended that the main entrance to the properties be to the north with the former commercial parking area to the south being transformed into private gardens.
- 4.24 The overall form and character of the building has been maintained particularly to the more prominent south elevation with alterations limited to the change of windows but of the same proportion, material and colour, the extension of the eaves with clear glazing and the addition of lightweight balconies. This has ensured that the original character and form of the block is retained and maintains a positive relationship with the neighbouring units.
- 4.25 The most significant change to facilitate the proposed change of use is the enclosure of the former parking area to the south to create private gardens for future occupiers. Whilst this will be a departure from the more open character which currently existing on this frontage the applicant has sought to mitigate this by ensuring a high quality boundary treatment and significant landscaping including a continuation of the existing hedge planting, which is existing along the side boundaries of the three sites, and parking area to screen and soften the impact of the high boundary wall in this location. The proposed landscaping and boundary treatments have the potential to improve the integration with the wider streetscene. Given the constraints of the site and orientation and positioning of the building it is considered that this has achieved an acceptable balance although the exact detailing of materials and planting will need to be agreed and should be conditioned to be retained after the conversion to ensure this approach is maintained. It is considered a low southern boundary treatment is required to maintain openness

- 4.26 The south elevation at first floor will include the provision of balconies. The balconies will identify the building as having a residential character but the design relates to the overall character of the building. The screens will be prominent in the streetscape, however further details will be sought by condition to ensure they do not harm the character and appearance of the surrounding area.
- 4.27 To the north the changes are more domestic in character with the introduction of smaller bathroom windows and front entrances but this frontage has significantly less exposure being within Westgate with no through route. The changes here are accepted subject to appropriate brick matching, boundaries and retention and protection of the existing trees on this frontage which make a positive contribution to local character.
- 4.28 In light of the above, it is considered the proposed external alterations will not detract from the character and appearance of the existing building or surrounding area and will provide positive additions to the streetscene in accordance with the National Planning Policy Framework, Core Strategy (DPD1) policies KP2 and CP4, Development Management Document (DPD2) policy DM1 and the Design and Townscape Guide SPD1.

Living conditions for future occupiers

National Planning Policy Framework, Development Management Document policy DM8, The National Technical Housing Standards DCLG 2015 and Design and Townscape Guide (SPD1)

- 4.29 All of the dwellings would be in excess of the required standards of 115sqm as stated within the National Technical Housing Standards and all relevant floorspaces are detailed in paragraph 1.3 above ranging between 148sqm to 192sqm, therefore no objection is raised. Furthermore, all houses will have sufficient outlook and daylight for future occupiers in all habitable rooms.
- 4.30 Policy DM8 (iii) states that all new dwellings should meet the Lifetime Home Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Home Standards has now been superseded by the National Technical Housing Standards and all new dwellings are required to meet building regulation M4 (2)- 'accessible and adaptable dwellings'. The applicant has submitted information demonstrating that the six dwellings would meet the building regulation M4(2) requirements and will therefore be dealt with by condition if the application is deemed acceptable.
- 4.31 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.32 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:
- "There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form..."*

- 4.33 The level of amenity space proposed is detailed in paragraph 1.3 above together with the provision of balconies at first floor and is considered sufficient useable amenity space of the four dwellings and therefore no objection is raised on this element.
- 4.34 Small outbuildings have been provided to accommodate refuse and cycle storage to the rear gardens, which is welcomed and further details can be sought by condition if this application is deemed acceptable to ensure the bin storage is enclosed to protect amenities of surrounding residents.

Traffic and Transport Issues

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policy DM15 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.35 The vehicle access to the site has already been constructed following the approval of the outline application 00/00077/OUT. Policy DM15 of the Development Management Document requires 2 parking spaces per dwelling. This proposal includes the provision of a forecourt to the south of the rear gardens to accommodate 12 vehicles, two spaces per dwellinghouse in accordance with current planning policy.

Impact on residential amenity

National Planning Policy Framework; DPD1 (Core Strategy) policy CP4, policy DM1 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

- 4.36 Paragraph 123 of the National Planning Policy Framework states:

“Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts 27 on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts 27 on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; 28 and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*

- 4.37 Policy DM1 of the Development Management Document states that any new 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. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.38 It is not considered the proposed dwellings, will give rise to overlooking or loss of privacy nor be overbearing to residential occupiers taking into account the separation distance to the properties in Westgate to the north.
- 4.39 The proposed dwellings to the east and west of the proposed converted building will be abutting a boundary with commercial premises. To the west is Sainsbury's, which has servicing between 0600-2300 Monday to Sunday (0815-0930 and 1500-1600 Monday to Friday during school term and opening hours 0700-2300. The existing building is sited 2.4m away from the flank elevation of Sainsbury's. The main entrance to the store is via the southwest of the site.
- 4.40 A letter of objection has been received from Sainsburys to the west of the site objecting to the proposed change of use in terms of the service yard, deliveries and lorries that will result in noise and disturbance implications on the future residents of the application site. The objection letter also refers to a recent decision by Southend Council in relation to refusing residential flats at upper levels given the proximity to the service yard conflicting with the residential uses in terms of noise and disturbance (application reference: 16/01377/PA3COU). However, that application was not accompanied by a noise assessment. Sainsburys have submitted a noise assessment that concludes that the noise intrusion levels from HGV, roll cages, ATM, customer car park and pedestrians, both with windows open and windows closed will be above the World Health Organisation/British Standards S8233 criteria; noise from the store will be above the World Health Organisation/British Standards S8233 that would prevent sleep and cause a nuisance at the proposed dwellings and the change of use will place unreasonable restrictions on the operation of the Sainsbury's local store.
- 4.41 In response to the objection received, the applicant has carried out a noise assessment carried out by Sharps Gayler Acoustic Consultants dated 12th October 2016 and further correspondence received on the 21st October 2016. The main findings of the report conclude the proposed internal noise level criterion is in line with the standards set out in BS 8233:2014 and the World Health Organisation Guidelines. Calculations of internal noise levels have been undertaken, assuming retention of the existing double-glazed windows and the measurements and calculations have shown that the internal criteria proposed should comfortably be achieved with the retention of the existing thermal double-glazing. The assessment includes a "penalty" for the character of the noise being considered (i.e. occasional commercial delivery noise). The report also recommends ventilation to residential houses will need to be provided via acoustically treated vents in the window frame or walls, or via a whole-building system (such as a Mechanical Ventilation and Heat Recovery System, MVHR).

The proposal should also include boundary treatments to mitigate against the background level with the inclusion of fencing and landscaping to reduce the noise levels further.

- 4.42 No objections have been raised by the Councils Environmental Health Officer subject to appropriate conditions, mitigation measures can be installed to ensure the glazing, ventilation and boundary treatments will provide acceptable internal noise levels for future residents together with construction hours that could affect the amenities of nearby residential occupiers to the north of the site in Westgate.
- 4.43 The site is classed as potentially contaminated land and remediation may have occurred during the construction of the office blocks however a condition will be imposed to reassess the information in line with the residential use.

Sustainable Construction

NPPF, Core Strategy Policy KP2, Development Management Document policy DM2 and SPD1

- 4.44 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from onsite renewable resources, and also promotes the minimisation of consumption of resources. Policy DM2 of the Development Management Document states that all new development should contribute to minimising energy demand and carbon dioxide emissions. The Design and Townscape Guide advises that options for renewable power must be considered at the beginning of the design process so that they are an integral part of the design scheme. Given the office building is existing it is not considered reasonable to request such details.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.45 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 will result in a net increase in gross internal area of 1028.4sqm, which equates to approximately £21754.62 (subject to confirmation).

Other Matters

- 4.46 *Trees*
The trees are all large species at maturity and have broad spreading crowns, there is limited space available with the adjacent building and the trees are likely to require pruning to raise clear the lower crown branches and pruning to clear branches resting on the building roof, gutter and windows etc. The trees provide a good screening between the proposed development and the properties in Westgate. There may be future conflict though due to the space available if changed to use as residential housing.

The Councils Arboriculturalist Officer has visited the site and confirmed the mature Sycamore tree opposite 7 Westgate and the mature Horse Chestnut opposite 3 Westgate are of good form and structure and provide significant amenity value to the area. In light of this a tree preservation order has now been served and the trees will be protected and any pruning works will require separate applications. With respect to the smaller mature sycamore opposite 3-7 Westgate is of poor form and not worthy of preservation and the decay would gradually advance to the tree would not be retained in the long term. Conditions relating to tree protection measures and full landscaping details will be dealt with by condition.

4.47 *Permitted development rights*

In order to protect the amenity of potential future occupiers and the overall character of the surrounding area a condition will be imposed to remove certain permitted development rights from the dwellings.

6 Planning Policy Summary

6.1 National Planning Policy Framework

6.2 Development Plan Document 1: Core Strategy policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP8 (Housing)

6.3 Development Management Document 2: Development Management Document policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM11 (Employment Areas), DM14 (Environmental Management), DM15 (Sustainable Transport Management)

6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009

6.5 Waste Management Guide

6.6 Community Infrastructure Levy CIL Charging Schedule

7 Representation Summary

Design and Regeneration

7.1 Unit 6 New Garrison Road was built as an industrial/office unit as part of the wider redevelopment of Shoebury Garrison but has remained vacant for a number of years. It is the centre building in a group of three similarly designed units on the northern side of New Garrison Road. The buildings have a simple gabled form with metallic roof, yellow brick and large grey metal windows. The larger of the other units to the east are an office whilst the smaller unit to the west is a local convenience store. The buildings are dual frontage with their primary entrances and parking areas to New Garrison Road and a secondary frontage onto Westgate to the north. This is a prominent site which marks the west entrance to the historic Shoebury Garrison and is within the setting of the listed Garrison Church situated a short distance to the east.

The proposal seeks to convert the existing vacant building into 6 houses. No extensions are proposed however there are some alterations to the building including a change of fenestration configuration and new entrances to the north, new windows, balconies and extension of roof eaves to the south. It is intended that the main entrance to the properties be to the north with the former commercial parking area to the south being transformed into private gardens.

It is a shame that a commercial use cannot be found for this block as this would be the best fit for the character of the street in this location and better integrate with the neighbouring properties, however, if the change to residential can be justified then it will be important to achieve a balance between maintaining the form and character of the original building in relation to its place within the group of similar building and in the wider streetscene and providing appropriate requirements for conversion to residential use. This has been achieved by maintaining the overall form and character of the building as much as possible particularly to the more prominent south elevation with alterations limited to the change of windows but of the same proportion, material and colour, the extension of the eaves but with clear glazing and the addition of lightweight balconies. This has ensured that the essence of the original character and form of the block is retained and maintains a positive relationship with the neighbouring units. It will, however, be necessary to control PD extensions and alterations to the new houses to ensure that this is integration not compromised in the future.

The most significant change to this side is not the alteration of the building itself, it will be the enclosure of the former parking area to create private gardens. This will be a departure from the more open character which currently existing on this frontage. The applicant has sought to mitigate this by ensuring a high quality boundary treatment and significant landscaping including a continuation of the existing hedge planting, currently found along the side boundaries of the three sites, around the boundaries and parking area to screen and soften the impact of the high boundary wall in this location and improve the integration into the wider streetscene. Given the constraints of the site and orientation and positioning of the building it is considered that this has achieved an acceptable balance although the exact detailing of materials and planting will need to be agreed and should be conditioned to be retained after the conversion to ensure this approach is maintained.

The other alteration to this elevation will be the addition of balconies. These will clearly identify the building as having a residential character but the design chosen seems to fit well with the overall character of the building. It would be beneficial if they did not have screens as these would be very prominent in the streetscape. It seems that with the exception of the central pair the stepping of the building should provide adequate screening. It may be that the garden boundaries of the end houses would be better adjusted to fit with the stepping of the building thus removing direct overlooking of the neighbouring gardens from adjacent balconies and this should be suggested to the applicant.

To the north the changes are more domestic in character with the introduction of smaller bathroom windows and front entrances but this frontage has significantly less exposure being within a short street with no through route. The changes here are accepted subject to appropriate brick matching, boundaries and retention and protection of the existing trees on this frontage which make a positive contribution to local character.

The following conditions are therefore suggested:

- Bricks to match existing / sample to be submitted
- Window frame to match neighbouring properties in thickness, material and colour
- Landscaping and boundaries to be agreed
- Landscaping and boundaries to be retained and planting replaced if it does not survive.
- Tree protection for trees to Westgate frontage – existing trees to be protected with fencing on the line of the root protection zone / canopy (whichever is the greater) during construction.
- Balcony detailing including screens and canopies to be agreed – note screens should be limited to a single screen on the central pair of balconies only **[Officer Comment: A condition will be imposed to ensure further details are provided]**.
- Removal of pd rights in relation to all extensions, roof alterations including dormers, boundary changes, material changes, large outbuildings **[Officer Comment: A condition will be imposed to ensure further details are provided]**.
- 10% renewables **[Officer Comment: The office building is existing and policy KP2 of the Core Strategy applies to new development only, it is not considered reasonable to enforce this condition]**.

Environmental Health

7.2 The application is for change of use from offices to residential units. A noise assessment has been submitted in respect of this application and a number of emails have been received from the applicant and acoustic consultant – Sharps Gayler containing additional information and clarification pertaining to the original report.

A review of all this information has been carried out as it addressed a number of issues which were previously raised.

Noise levels have been assessed in accordance with BS8233:2014 on a 16-hour and 8-hour basis. This has been raised with the applicant/acoustic consultant as in our experience the impact of noise such as this is assessed over an hourly period which may be considered more representative of the possible impact and possible complaints that may occur. Averaging the noise over a 16hr day and 8-hour night may be correct in terms of the standard, but tends to dilute the impact as people don't hear the noise averaged over the day or night, only as it occurs.

The applicant/acoustic consultant has provided worst-case 15-minute figures at night (0600 to 0700 hours on a Friday morning, as a worst case) which are 5dB higher than the 8-hour design level established in the report. They have stated - assuming, again, that this is all noise from Sainsbury's, internal levels (using the rating level approach over a 15 minute period) would still meet the 30 dB internal BS8233:2014 bedroom criterion.

Maximum daytime LAeq levels on an hourly basis are around 3 dB higher than the 16-hour value and, again, would not therefore exceed the internal criterion as set out in the report (it will be noted from the table at 6.4 in the report that calculated internal levels were within the criteria by at least 5dB, daytime and night time).

I believe this shows that the internal criteria will be met even with the worst-case noise levels taken into account over 15-minute periods. Therefore appears acceptable.

The current glazing is to remain in situ and ventilation means are yet to be decided **[Officer Comment: This will be dealt with by condition to ensure full details are submitted and agreed by the local planning authority].**

If MVHR plant is to be provided to the development then this would also need to be assessed where relevant in accordance with BS4142:2014 for day and night periods and compared with the background levels obtained when assessing the existing environment. Appropriate mitigation should then be recommended as necessary **[Officer Comment: This will be dealt with by condition to ensure full details are submitted and agreed by the local planning authority].**

Any mechanical extraction, ventilation or air conditioning plant would need to be carefully located and designed in order to prevent statutory noise nuisance **[Officer Comment: This will be dealt with by condition to ensure full details are submitted and agreed by the local planning authority].**

External noise has also been addressed with likely noise levels to amenity areas/gardens provided. The Acoustic Consultant has reported - that with screening (10 dB reduction from a 1.8-metre solid fence) this would be 44 dB, corrected by the 3 dB penalty to 47 dB as a rating level. Residual levels (i.e. noise from other sources in the general environment) might be 5 dB above that in any case, but typical background sound levels (taking 10:00 to 22:00 hours on a Sunday as a sensitive time period for garden use) are 43 dB LA90. This means that the rating level would, at worst, be 4 dB above the background sound level. This represents an initial assessment below the "adverse impact" threshold of +5dB. The assessment standard also requires that to be assessed in context and since deliveries are few and far between and the overall levels are well within the World Health Organisation guidelines for external amenity space the overall impact would be considered as low. This assessment only applies at the most exposed and nearest garden to the delivery area. There is not likely to be any impact at all to other garden areas.

Therefore a comparison with the background level shows that below adverse comment is predicted and is a worst-case to the closest garden. Taking the above into account, it is recommended that any detailed design advice should include mitigation along the boundary.

The information provided details that in mitigation fencing and possibly landscaping will be installed to the rear gardens. Final details of boundary mitigation shall be supplied including potential noise reduction levels **[Officer Comment: This will be dealt with by condition to ensure full details are submitted and agreed by the local planning authority].**

During the construction phase noise issues may arise which could lead to the hours of work being restricted **[Officer Comment: This will be dealt with by condition].**

Finally the site is classed as being potentially contaminated land, therefore this issue needs to be addressed **[Officer Comment: This will be dealt with by condition].**

No contaminated land report appears to have been submitted with the application. Remediation may have occurred when the office buildings were constructed however this would need to be reassessed in line with residential use.

Traffic and Highways

- 7.3 There are no highway objections to this proposal 2 car parking spaces have been provided for each dwelling which is policy compliant. The site is accessed via existing vehicle crossovers. It is considered that the change of use will result in fewer traffic movements than that of the current use which has the potential to generate a significant amount of vehicle movements.

Trees

- 7.4 The trees are all large species at maturity and have broad spreading crowns, there is limited space available here with the adjacent building and the trees are likely to require pruning to raise clear the lower crown branches and pruning to clear branches resting on the building roof, gutter and windows etc. The trees provide a good screening between the proposed development and the properties in Westgate. There may be future conflict though due to the space available if changed to use as residential housing **[Officer Comment: A tree preservation order has now been served].**

The trees are:

A mature Sycamore opposite 7 Westgate approximately 11 x 13 metres, it appears to be in normal health and condition, it has some scattered minor deadwood and two dead branches in the lower crown probably due to shading from the upper canopy and building to the south. The tree has generally good form but is slightly suppressed due to the proximity of the building. The tree should be considered for protection.

A smaller mature Sycamore (the central tree) opposite 3-7 Westgate approximately 7 x 8 metres, it appears to be in normal health and condition but has poor form with a large open decay cavity in the main branch union, it also has moderate deadwood in the crown, it could be retained for the present but this decay to gradually advance so the tree would not usually be one to retain long term and if removed it would allow space for the better trees either side.

A mature Horse Chestnut opposite 3 Westgate approximately 10 x 10 metres it appears to be in normal health and condition, it does have horse chestnut leaf miner insect damage but this is seasonal and expected on this species, there is minor scattered deadwood in the crown. The tree has good form and structure and should be considered for protection.

Environment Agency

7.5 Flood Risk

The application site lies within Tidal Flood Zone 3a, defined by the National Planning Policy Framework (NPPF) as having a high probability of flooding. The proposed development is classified as a “more” vulnerable development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore to comply with national planning policy the application is for a change of use so the Sequential test is not required however the first part of the Exception Tests and a site specific Flood Risk Assessment (FRA) including a flood response plan are required.

These requirements are set out in Paragraph 101 of the NPPF. The Exception Test is set out in paragraph 102. These tests are your responsibility and should be completed before the application is determined.

Flood Risk Assessment:

A FRA prepared by Evans River and Costal, referenced 1567/RE/02-16/01-Revision C and dated May 2016, has been submitted. The important points from the FRA are

- Residual (breach) risk depth of flooding in the buildings is 0m in the design flood event
- Residual (breach) risk depth of flooding on the site/access route is 0m in the design flood event

Flood response has been discussed in the FRA however a ‘Flood Response Plan’ has not been submitted and we recommend that one is drawn up for the site.

These points are expanded upon within the Flood Risk technical appendix.

Summary of the Environment Agency’s Position

We are satisfied that the FRA provides you with the information necessary to make an informed decision, providing that the following points are considered. We have reiterated the key flood risk information from the FRA above and as an appendix to this letter. Although we are not objecting this must be reviewed

Councils responsibilities: We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

Exceptions Test:

Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements, whether insurance can be gained or not and sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Flood depths at the site/ in the building

The flood risk assessment (FRA) refers to a breach flood level that has been used for a nearby site of 2.8m AOD for the 0.5% annual probability event. Looking at the Strategic Flood Risk Assessment (SFRA) for the area, flood depths at the site following a breach in the defences have been modelled to range between 2mAOD to 2.8mAOD for the same event. It is therefore considered that using the level of 2.8mAOD provides a reasonable estimate for the 0.5% annual probability event.

The FRA advised that the floor levels will be set a minimum level of 4.9mAOD. Based on this figure and the expected flood depths following a breach in the defences, taken from the SFRA, it is not anticipated that the buildings would flood

Based on the lowest ground level of 4.35m AOD surrounding site will also not flood during the design event.

Actual/Overtopping-Risk

The FRA states that flood defences protect the site to a level of 6mAOD, which would provide protection from the overtopping of existing defences for the 0.5% and 0.1% annual probability events, taking into consideration climate change. However, the FRA does not provide information on the tidal defences to the west of the site, at Shoebury common, which are below standard. Flooding to the area following overtopping is still therefore possible, until the Shoebury Common flood defence improvement scheme takes place. The SFRA considered likely flood depths around the garrison site following the overtopping of defences, and this could be used as a 'worst-case-scenario' guideline. The results suggest that flood depths at the site, following overtopping of the defences are as follow:

	Flood level in the sea (Maod)	Flood depth on site (overtopping risk)	Danger for people classification (overtopping risk)
1 in 200 (0.5%) annual probability event (with climate change)	5.70	2m	Danger for all
1 in 1000 (0.1%) annual probability event (with climate change)	5.61	2-2.5m	Danger for all

Proposed Mitigation

The following measures have been identified in the FRA to mitigate for the flood risk outlined above.

- Ground flood levels will be set at 4.9mAOD which is above the 1 in 200 (0.5%) annual probability event plus climate change;
- First floor levels will be set at 8.1m AOD which is above the 1 in 1000 (0.1%) annual probability event plus climate change;
- We strongly recommend that a flood plan is drawn up for the site.
- Flood risk responsibility for your council is detailed in the following paragraphs. Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements). You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. Where a warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions. We do not normally comment on flood emergency response procedures.

Public Consultation

7.6 A site notice displayed on the 6th July 2016 and 13 neighbours notified of the proposal. Two letters of representation has been received stating:

- No off street parking as residents use parking along Westgate [**Officer Comment: Vehicle access to the site will be from New Garrison Road and two parking spaces are provided per unit**];
- Sewage wont cope

An objection has been received from Sainsburys Supermarkets stating:

- The proposed application is located directly east of the service yard and the plant room, which is significantly closer than the noise sensitive site assessed in the Sainsbury's application. Access to the Sainsbury's service yard is from New Garrison Road which is also the access for the proposed site. The service yard directly adjacent to the neighbouring gardens to the front of the proposed development and the plant room is adjacent to the rear gardens of the proposed development. Lorries are often required to wait in this service area which will have noise and disturbance implications on the future residents of the application site. In addition to heavy goods delivery vehicles, the service yard is used by Sainsbury's goods online (GOL) vehicles, which are loaded and unloaded in the service yard, and enter and leave the site throughout the day. Sainsbury's are extremely concerned that the proposed residential use of the proposed development is in such close proximity to the store, particularly the service yard and the plant room will conflict with the operation of the store, resulting in possible future complaints over noise and disturbance.

This could have significant implications on the efficient operation of the business.

A second objection letter has also been received from Sainsburys accompanied by a noise assessment from White Young Green (acoustic team) stating their findings are as follows:

- Noise intrusion levels from HGV, roll cages, ATM, customer car park and pedestrians, both with windows open and windows closed will be above the WHO/BS8233 criteria;
- Noise from the store will be above the BS8233/WHO levels to prevent sleep disturbance and are likely to cause a nuisance at the proposed dwellings; and
- The change of use will place unreasonable restrictions on the operation of the Sainsbury's Local store.

These findings take into consideration proposed noise mitigation measures such as retained thermal double-glazing and introduced acoustically treated vents. In addition, the measures would not alleviate potential noise disturbance to the amenity space to the front and rear of the houses.

In light of this new information, it is clear that this proposed development will give rise to conflict between the existing store operation and future residents at 6 Garrison Road, resulting in possible future complaints over noise and disturbance. The proposals are therefore contrary to paragraph 123 of the NPPF, which requires planning decisions to recognise that existing businesses will want to continue to develop their business and should not have unreasonable restrictions placed on them because of changes in nearby land uses.

[Officer Comment: The Councils Environmental Health Officer has considered the noise assessment submitted by the applicant and the objection letter received from Sainsbury's and has raised no objection subject to appropriate conditions imposed].

8 Relevant Planning History

- 8.1 Mixed use development comprising conversion of existing buildings and erection of new buildings for: parkland and open space; up to a total of 465 dwellings; up to 23,750sq.m of business floorspace (Class B1(a) and (B)); up to 1625sq.m of non-residential (Class D1) uses, including A. a health centre within the mixed use area, B. the former Garrison Church as a community hall, and C. the former battery gun store as a heritage centre; up to 5,900sq.m of leisure (Class D2) uses; up to 800sq.m of retail (Class A1); up to 600sq.m of financial services (Class A2) use; formation of hotel (Class C1) with approximately 40 bedrooms; land for a new school; erection of landmark residential building; construction of new access roads; and associated works (Outline)- Granted (00/00777/OUT)

9 Recommendation

Members are recommended to GRANT PLANNING PERMISSION for the reasons set out below:

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

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

- 02 The development shall be carried out in accordance with the approved plans: 01 Revision B; 05 Revision B; 06 Revision B; 07 Revision B; 08 Revision B; 09 Revision B.**

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

- 03 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment prepared by Evans River and Coastal, referenced 1567/RE/02-16/01-Revision C and dated May 2016.**

Reason: To ensure the site is protected to the standard that the development is designed and modelled to within the submitted Flood Risk Assessment NPPF and policy KP2 of Core Strategy.

- 04 The development hereby permitted shall operate at all time in accordance with the 'Flood Response Plan' dated July 2016 reference 1567/RE/02-16/02 carried out by Evans Rivers and Coastal.**

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service, and is safe in the event of a flood in accordance with Policy KP2 of the Core Strategy DPD2

- 05 The development hereby permitted shall operate at all time in accordance with the 'Flood Evacuation and Warning Plan' received 22.09.2016 reference CC/1687.**

Reason: To ensure that the Flood Warning and Evacuation Plan meets with the requirements of the Environment Agency's Flood Warning Service and is safe in the event of a flood in accordance with Policy KP2 of the Core Strategy DPD2.

- 06 No development shall take place until samples of the materials to be used on all the external elevations including windows, window frame, doors, bricks, balcony detailing including screens and canopies, walls and fences, and on any external access way, driveway have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.**

Reason: To safeguard character and appearance of surrounding area in accordance with Policy DM1 of the Development Management Document DPD2 and KP2 and CP4 of the Core Strategy.

- 07 No dwelling shall be first occupied until parking spaces to serve that dwelling have been laid out, together with properly constructed vehicular access to the adjoining highway. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.**

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

- 08 Final glazing, acoustic insulation, plant equipment and ventilation details for the dwellings hereby approved shall be submitted to and approved by the local planning authority prior to installation and first occupation of the dwellings hereby approved. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the sharps gayler acoustic consultations noise assessment dated 12th October 2016 and email dated 21st October 2016 for new dwellings in this location. Appropriate mitigation must be given to ensure that construction of the development and cumulative noise levels are in accordance with BS4142:2014 to meet relevant internal noise criteria in accordance with BS8233:2014. The development shall be carried out in accordance with the approved details and retained thereafter.**

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

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

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

- 10 Details of the mitigation boundary treatments in relation to noise levels shall be installed to the west and east boundary to the south shall be submitted to and approved by the local planning authority prior to occupation of the dwellinghouses and remain thereafter.**

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1 and DM8 of the Development Management DPD2 and SPD1 (Design and Townscape Guide).

- 11 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the local planning authority and the approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority.**

These details shall include, for example:-

- i proposed finished levels or contours;**
- ii. means of enclosure, including any gates to the car parks;**
- iii. car parking layouts;**
- iv. other vehicle and pedestrian access and circulation areas;**
- v. hard surfacing materials;**
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.)**

This shall include details of details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, details of measures to enhance biodiversity within the site and tree protection measures to be employed during demolition and construction.

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

- 12 No development shall commence until a detailed Arboricultural Method Statement, Tree Protection Plan with the following information fencing type, piling, ground protection measures, access facilitation pruning specification, project phasing and an auditable monitoring schedule.**

Reason: To make sure that the trees on the site are adequately protected during building works in the interests of visual amenity and in accordance with DPD1 (Core Strategy) policy KP2 and CP4, and SPD1 (Design and Townscape Guide).

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order Amended 2016, or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D, E, F, G, H and Part 2 Class A to those Orders.**

Reason: To safeguard the character and amenities of the area, in accordance with Policy DM1 of the Development Management Document.

- 14 The development hereby approved shall be carried out in accordance with drawing to ensure the dwellinghouses comply with building regulation M4 (2)- 'accessible and adaptable dwellings' and remains in perpetuity.**

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 15 No development shall take place until a site investigation of the nature and extent of contamination (including ordnance risk) has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.**

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to DPD2 (Development Management document) policy DM14.

- 16 Construction and demolition shall only take place between 0730 and 1800 Monday to Friday 0800 and 1300 Saturday and not at all on Sundays or Bank Holidays.**

Reason: In the interests of the character and amenity of the area in accordance with NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management Document) policy DM1.

- 17 During any Construction and Demolition. Given the site's location to other properties no burning of waste material on the site.**

Reason: In the interests of the character and amenity of the area in accordance with NPPF; DPD1 (Core Strategy) 2007 policy KP2 and CP4; DPD2 (Development Management Document) policy DM1.

Informative

Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.