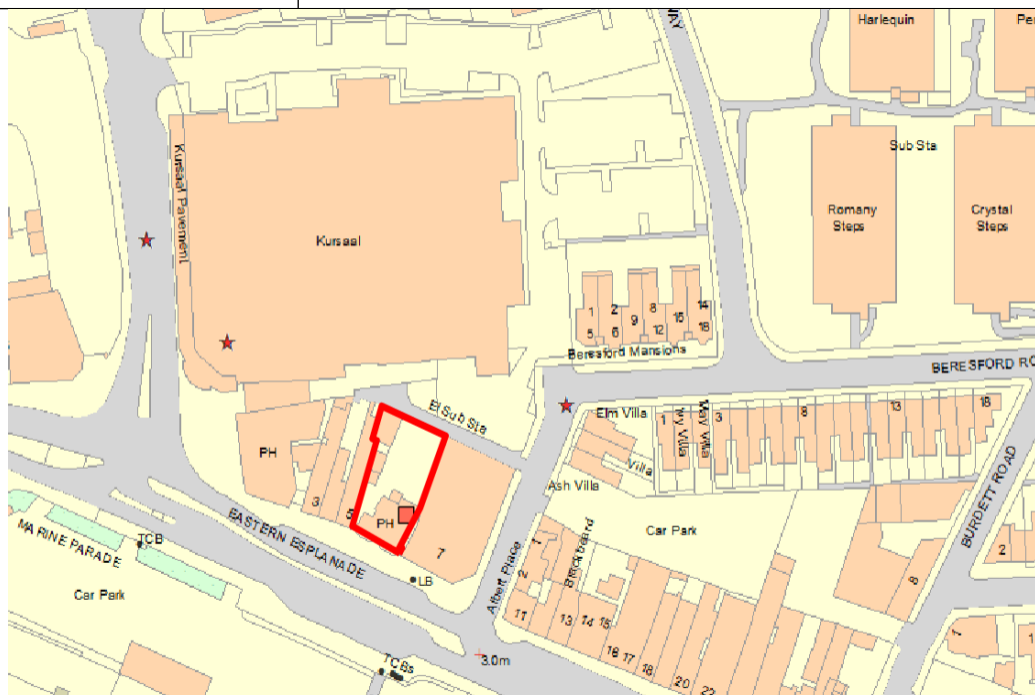


Reference:	16/02277/FUL	
Ward:	Kursaal	
Proposal:	Retain front facade, part demolish rear of existing public house, demolish all outbuildings, erect three self-contained flats with ground floor restaurant use (Class A3), install dormers to front elevation, erect four storey block comprising of six self-contained flats to rear with balconies to front, layout parking, cycle store and bin stores (Amended Proposal)	
Address:	The Britannia, 6 Eastern Esplanade, Southend-on-Sea, Essex, SS1 2ER	
Applicant:	Stockvale Investments Ltd	
Agent:	SKArchitects Ltd	
Consultation Expiry:	25.02.2017	
Expiry Date:	08.03.2017	
Case Officer:	Janine Rowley	
Plan Nos:	303/P01 Revision C; 303P07 Revision A; 303P03 Revision B; 303P02 Revision B; 303P08 Revision A; 303P05 Revision B; 303P04 Revision A; 303P06 Revision C	
Recommendation:	GRANT PLANNING PERMISSION	



The Proposal

- 1.1 Planning permission is sought to retain the front façade of the existing building and part demolish the rear together with demolition of all outbuildings to erect three self-contained flats with ground floor restaurant use (Class A3), install dormers to front elevation, erect four storey block comprising of six self-contained flats to rear with balconies to front, layout parking, cycle store and bin stores.
- 1.2 The building fronting Eastern Esplanade is 12.3m wide x 11.1m-16.5m deep x 8.6m. The rear element of the proposed development is 16m-17.8m wide x 11.6m deep x 11.6m-13.1m high.
- 1.3 The internal floorspace of the proposed flats is as follows:

	Flat type 1	Flat type 2	Flat type 3	Flat type 4	Flat type 5
	2 bed (3 person)	2 bed (3 person)	1 bed (2 person)	1 bed (2 person)	1 bed (2 person)
	61sqm	63sqm	73sqm- 2 floors	73sqm- 2 floors	70sqm- 2 floors
National technical Housing Technical Standards	61sqm	61sqm	58sqm	58sqm	58sqm

- 1.4 To the rear is an amenity 107sqm at first floor. Refuse and cycle storage is located to at ground floor to the rear of the commercial premises with 9 parking spaces accessed from Beach Road.
- 1.5 The application is accompanied by a design and access statement, structural report, noise impact assessment, flood risk assessment, heritage statement.
- 1.6 It should be noted since the application has been received a number of amendments and clarifications have been provided and neighbours re-notified the main changes from the original submission include:
- Extending side gables to meet the new ridge of the existing building
 - Cross section of the flank elevation showing the set back and angle between the gables to understand roof design;
 - Corrected elevations and floorplans as windows appeared inconsistent
 - Demolition clarified with a demolition plan;
 - Revised dormer design to a traditional approach

2 Site and Surroundings

- 2.1 The site is a two storey locally listed building, located on the northern side of Eastern Esplanade between Beach Road and Southchurch Road. The Britannia dates from the late 18th and early 19th century and is one of 3

notable buildings in the Kursaal Conservation Area (the others being the Kursaal and the former Minerva (now Bourgee)). The adjacent buildings include a single storey building to the east of the site currently used as an arcade and to the west are two storey buildings. The western edge of the block is Grade II listed building the Kursaal.

- 2.2 The site is designated within the Development Management Document as being sited in the Kursaal Conservation Area, and is a locally listed building and within flood risk zone 3. The site falls within the Southend Central Area as designated by the Southend Central Area Action Plan.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, flood risk, design and impact on the character of the area and the conservation area, traffic and transportation issues, impact on residential amenity, sustainable construction and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy Policies KP2, CP4, and CP8, Development Management DPD2 policy DM1, DM3, DM5 and DM6, and the Design and Townscape Guide DP1 (2009)

- 4.1 This site is in a prominent location on the seafront and can be viewed from a considerable distance in both directions along the promenade. The site is located within The Kursaal Conservation Area and the proposal includes the retention of the existing façade of the building and the demolition of the rear of the building including all existing outbuildings. Paragraph 131 of the NPPF relating to conserving and enhancing the historic environment states:

“In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness”.*

- 4.2 Paragraph 128 of the NPPF, states that when determining applications, Local Planning Authorities should require applicants to describe the significance of the heritage assets affected and the contribution made by their setting. The level of detail provided should be proportionate to the significance of the asset and sufficient to understand the impact of the proposal on this significance. This is supported by paragraph 129 of the NPPF, which requires local planning authorities to identify the significance of any heritage assets.

Paragraphs 132 to 136 of the NPPF consider the impact of a proposed development upon the significance of a heritage asset, emphasising the importance of conserving heritage assets and that harm or loss to a heritage asset requires clear and convincing justification.

4.3 The Kursaal Conservation Area was formed around 1896-1901. Although small the conservation area also includes two other significant buildings. The Minerva was built in 1792 and is much older than the Kursaal and the Britannia public house was built originally as a house in the 18th Century. The Britannia was originally built as a house but was changed to an Inn in the mid-19th century and remained so until it closed a few years ago. It has been a long standing feature of the seafront and as such is an important part of its history. Whilst the Britannia has altered in its original character, it is still evident and is considered to make a positive contribution to the character of the conservation area, primarily relating to the public views of front of the existing building.

4.4 Part 3 of Policy DM6 of the Development Management Document requires all new development within the Seafront Area to ensure that:

“Existing buildings along the seafront form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctiveness Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”

4.5 Part 3 of Policy DM5 of Development Management Document states:

“3. Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits”.

4.6 The Design and Access Statement accompanying this application states the public house ceased trading in the first few months of 2015 due to continued flooding and the structural condition of the main building. The original building dates back to the 1880s and had original red brick, multi paned timber sash windows, Georgian door and fanlight detail including a parapet, which is raised and pedimented.

The building has had a number of unsympathetic alterations to the front including the application of rough cast cement render, upvc windows, the replacement of original slates with cement tile and the loss of the parapet and signage, which has resulted in a detrimental impact on the character of the building and the wider conservation area.

4.7 The structural report carried out by Richard Jackson Engineering Consultants (referenced: JM/AJL/47690) concludes there is some historic fabric within the

building which structurally can be retained in terms of the front elevation and right hand flank wall and left hand flank wall. The first floors have changed in historic fabric and a number of areas are failing in terms of their structural integrity. The main findings of the report states there is significant bowing in the western stack caused by the lack of restraint of the first floor and eaves level. Modern timbers and a steel frame have been installed in the front section. There is spalling of front brickwork, loose bricks and cracking on the internal flanks and upstairs. The front façade could be retained but would need steel restraint internally during construction and water ingress has occurred at ground floor during the flooding of the seafront and this may have affected the integrity of the base of the walls.

- 4.8 Notwithstanding the submitted details, Council officers have also carried out a site visit to inspect the condition of the existing building and have noted the appearance the building has been substantially altered internally and to the rear including a significant opening up inside which had impacted on the original plan form and a significant loss of historic fabric including most of the lath and plaster on the walls and ceilings and associated features such as skirting boards, cornices and fire surrounds. The removal of the ceilings had exposed the joists and rafters and there were a significant proportion of new timbers throughout the building. New timber stud walls were also noted as well as the installation of a modern concrete floor at ground level. Access was not available to the first floor for safety reasons but supporting evidence in the form of photos of this area show evidence of deflection of the western gable where gapping can be seen to the floor, significant cracking, loss of historic fabric as noted above and replacement with modern fabric similar to the ground floor. Remnants of the rear weather boarded wing were also evident albeit in a poor condition and significantly extended including poor quality modern additions and partially rebuilt with concrete blockwork in the original extension.
- 4.9 Historic England have also reviewed the proposals and considered due to the extent of alterations to the existing Britannia Public House it would not meet the criteria for listing.

- 4.10 In light of the above, whilst the development proposals are seeking to demolish the rear of the existing locally listed building it has been demonstrated that a significant amount of historic fabric has been lost over the years and not worthy of preservation. The retention of the front façade is welcomed and considered to be the most significant element of this non-designated heritage asset and will continue to provide a positive contribution to the Kursaal Conservation Area.

Flood Risk

National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2

- 4.11 The site is located within Flood Zone 3a (high probability of flooding) and the applicant has submitted an FRA which considers risk of flooding, access and resilience measures.

- 4.12 Paragraph 103 of the NPPF states:

“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

- 4.13 The proposed site falls within the Central Seafront Area under Policy KP1 of the adopted Core Strategy. This area is promoted as an area for regeneration and growth. The preamble to KP1 notes there are limited options to achieve regeneration and growth within the borough and that development on flood plains would be considered. Policy KP1 directs development into the area in which the site falls. This policy was adopted following The Thames Gateway South Essex Partnership Strategic Flood Risk Assessment. A total of 550 new dwellings have been earmarked for the seafront area between 2001-2021. It is considered further development in the central seafront area is acceptable in

principle subject to a site specific investigation.

The proposal is therefore considered to pass the requirements of the sequential test.

4.14 For the exceptions test to be passed it must be demonstrated that

- a) The development provides wider sustainability benefits to the community that outweigh flood risk
- b) The development should be on developable, previously developed land
- c) A flood risk assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

4.15 The proposal would provide sustainability benefits by resulting in a more efficient use of land. The site is also previously developed land. Parts A and B of the exceptions test of the NPPF are therefore, considered to be satisfied in this instance.

4.16 Part C of the exception test set out in the NPPF, requires development to be safe. The Environment Agency advises that the safety of residents is reliant upon either evacuation prior to floodwater reaching the site or safe refuge, above the flood level.

4.17 The Flood Risk Assessment prepared by SLR Consulting Limited, referenced 405.06372.00001 issue 1 dated May 2016 has been submitted for consideration. The Environment Agency has recommended first floor levels to be set to 6.3m AOD ensure that future residents are protected from any possible overtopping and breaching of defences and this can be dealt with by condition. A flood evacuation plan is required by condition and the applicant will be advised to sign up to the Environment Agency's early flood warning service.

Design and impact on the Kursaal Conservation Area

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; policies DM1, DM3, DM5, DM6 of the DPD2 (Development Management Document) and the Design and Townscape Guide SPD1.

4.18 Policy DM5 of the Development Management Document states:

"All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value".

4.19 Part 3 of policy DM5 of the Development Management states:

“Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits”.

4.20 As stated above, the development proposals are seeking to demolish the rear of the existing locally listed building and it has been demonstrated that a significant amount of historic fabric has been lost and not worthy of preservation.

Historic building

4.21 Given the condition of the existing building the applicant is now proposing to retain the front façade, east gable and part of the west gable with a new extension to the rear. A two storey rear extension is proposed including a raise in roof height to enable the roof to accommodate habitable accommodation with front and rear dormers of traditional design. The proposed increase in height of the ridge would remain of a reasonable scale in relation to the proportion of the front façade. The dormers appear modest in scale and align with the existing windows, ensuring the proposed development will not appear top heavy or over dominant. The proposal also includes a number of changes to the front elevation of the locally listed façade include the replacement of render with lime render, new timber sash windows to match the traditional style, reinstatement of traditional slate on the roof and parapet design together with the removal of a modern porch and reinstatement of the original door and fanlight design.

4.22 There is a high risk the retention of the whole building would itself require significant rebuilding and is very unlikely to be viable in this case and could result in high risk for further deterioration of the building. Overall, it is considered the proposed changes to the existing building will retain the most prominent and public elevation of the Britannia conserving the historic façade and enhancing its historic and architectural character, setting and townscape value having a positive impact on the Kursaal Conservation Area and contribute to regenerating the wider seafront in accordance with the NPPF, Core Strategy policies KP2 and CP4, Development Management Document policies DM1, DM3, DM5, DM6 and the Design and Townscape Guide.

New flatted block to the rear

4.23 The four storey flatted block proposed to the rear of the site is a simple modern design with interest and articulation with an angled footprint and

angled roof with high quality cladding metal shingles (similar to that used in Leigh Hill historic buildings within the Leigh Conservation Area reference: 14/00974/FUL). The main fenestration is proposed to the front including set in balconies adding shadowing and depth to the elevation. Given the set back from the frontage the proposed building appears modest at four storeys and would not appear out of place in this context given the significant massing of the Kursaal extension. The building will help to screen the existing Kursaal extension, which adds little interest to the streetscene and the visuals illustrate the proposal will have low impact on the skyline and the Britannia frontage will remain the principle elevation. Whilst there is a change in the character between the two buildings it is considered the contrasting modern solution is the most appropriate option. The overall simplicity of form and quality of detailing and materials of the new block will not compete with the historic frontage of the Britannia, the Kursaal and the wider conservation area.

- 4.24 In relation to the overall layout, the residential units are accessed via a gate to the side of the historic building via a staircase to the deck or via the parking area to the rear of the site. The gate to the side of the existing building is an original feature and the retention is welcomed given there is no reasonable opportunity to have a residential entrance in the historic façade. The staircase is set back from the frontage and will not be readily visible in the streetscene. The amenity deck at first floor will provide opportunity for a high quality useable amenity space and full details of the landscaping will be dealt with by condition. The parking, cycle and refuse storage is proposed to the ground floor within the undercroft area, which is welcomed and further details on the cycle and refuse storage will be dealt with by condition.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012, Development Management Policy DM8, The National Technical Housing Standards DCLG 2015

- 4.25 The proposed internal floor spaces for the flats are set out in paragraph 1.3 above and meet the National Technical Housing Standards. The proposed units are in excess of the minimum standards and all habitable rooms would be served by sufficient windows which would provide acceptable light and outlook for potential future occupiers.
- 4.26 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'.

Sufficient information has been submitted to demonstrate that the proposal meets the criteria for the Building Regulation M4 (2). Drawing 303P06 Revision C proves the development would be accessible and adaptable for older people or wheelchair users, in accordance with the NPPF, Policy DM8 of the Development Management DPD and National Housing Standards 2015.

- 4.27 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. Policy DM8 of the Development Management Document states that all new development 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.
- 4.28 The Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.
- 4.29 Drawing 303P02 Revision D illustrates an amenity deck at first floor equating to 107sqm, approximately 11.8sqm per unit. Whilst no landscaping details have been provided to detail how this communal area will be used, this can be dealt with by condition. The three flats proposed above the restaurant fronting Eastern Esplanade will not have any provision for private amenity space. However, the rear element of the proposal, where 6 flats are proposed will benefit from balconies, which are considered useable amenity space in addition to the amenity deck at first floor. Taking into account the location of the site on the seafront in the central area of Southend, the provision of amenity space is considered acceptable in this instance.

Traffic and transportation

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.

- 4.30 The existing site is accessed from Beach Road via an existing access road to the rear of the site and does not benefit from off street parking for the existing use.
- 4.31 Policy DM15 of the Development Management Document states that a minimum 1 car parking space per flat shall be provided in this location and 1 space per 6sqm for the A3 restaurant use. The proposed development will include 9 spaces for the residential flats, which is policy compliant and there is sufficient turning area to enable vehicles to manoeuvre effectively within the site. Whilst the restaurant use will not benefit from off street parking, consideration has to be given for the existing use, which does not benefit from off street parking and taking into account the location of the site with access to public transport including a number of public car parks within walking distance and therefore no objection is raised on highway grounds.
- 4.32 Bike storage will be located within the basement for 18 cycle spaces which is

welcomed and complies with policy DM15 of the Development Management Document, however a further condition will be imposed to ensure full details are submitted and agreed with the local planning authority.

Refuse storage

- 4.33 The refuse store will be located to the ground floor within the undercroft parking area including both commercial and residential refuse storage. Whilst the location of the refuse store exceeds current policy guidance, a suitable condition can be imposed to ensure full details of waste management collection and storage are provided.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea; DPD2 (Development Management Document) policy DM1 SPD 1 (Design & Townscape Guide (2009)

- 4.34 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.
- 4.35 The existing building is site 1.5m away from the boundary with no. 5 Eastern Esplanade to the west of the site. The adjacent buildings to the west of the site have commercial premises to the ground floor and residential flats to the first floor. To the north of the site is Kursaal building, which is also a commercial building. The overall height of the building 8.6m fronting Eastern Esplanade and the rear element of the proposed development is between 11.6m-13.1m high. It is not considered the development will be overbearing, result in overshadowing or loss of light to any nearby residential occupiers given the location of the site.
- The nearest residential dwellings in Beach Road are located in excess of 30m, which is sufficient to mitigate against any material harm.

Sustainable Development

National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management DPD2 policy DM2; the Design and Townscape Guide SPD1 (2009).

- 4.36 National guidance and relevant planning policy statements together with the Policy KP2 of the Core Strategy and advocate the need to ensure design maximises the use of sustainable and renewable resources in the construction of development. It also states that all development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources and at least 10% of the energy needs of

new development should come from on-site renewable options and sustainable urban drainage systems shall be successfully integrated. Policy DM2 advocates the need to ensure the delivery of sustainable development whereby all development proposals should contribute to minimising energy demand and carbon dioxide emissions.

- 4.37 The applicant has confirmed photovoltaic panels will be mounted to the flat roof of the rear block not visible from the public domain, which is welcomed. However, a condition will be imposed to ensure full details of the calculations are provided to ensure the proposal meets the requirements of policy KP2 of the Core Strategy.
- 4.38 Policy KP2 of the Core Strategy advocates the need for sustainable drainage. No details accompany this application however this can also be dealt with by condition in this case.
- 4.39 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (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. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

Other issues

Noise

- 4.40 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”.*

- 4.41 The application is accompanied by an Environmental Noise Impact Assessment carried out by Impact Acoustics (report reference: IMP5005-1). The assessment states the development will be compliant with the relevant BS standards for sound insulation and noise reduction in buildings. Given the current use of the existing building as a public house, the impact of the new development, which will be built to modern construction standards, is likely to be less than currently. The report provides a number of mitigation measures to ensure the proposal protects the amenities of existing and future residential occupiers and will be dealt with by condition.
- 4.42 The positioning of the ventilation and extraction plant for the restaurant use is proposed to the to exit via ducting on the rear building between the proposed flats expelling from the roof. Whilst the specific details of the equipment have not been provided this can be dealt with by condition to ensure the amenities of future occupiers are safeguarded. The Councils Environmental Health Officer is currently reviewing Environmental Noise Impact Assessment and further comments will be reported in the supplemental report.

Ecology

- 4.42 The development is sufficiently distanced from the estuary SSSI and Ramsar site and would not detract from the local ecological assets.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.43 This application is CIL liable and there would be a CIL charge payable if approved. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The existing floorspace of the buildings to be demolished is 216.48sqm. The proposed development will result in a net increase in gross internal area of 588.71sqm for the nine flats (Class C3) and 150.78sqm for the restaurant/café use (Class A3). The CIL rate for the residential use is £22 per sqm and commercial use at £11 per sqm which equates to approximately £9971.88. This is subject to confirmation.

Conclusion

- 4.44 In light of the above, no objection is raised to a mixed use development in this location given the proposal complies with the emerging Southend Central Area Action Plan. The proposed development will retain the front façade of the existing locally listed building. The demolition of the rear of the existing public house is regrettable however; given the current condition is no longer worthy of preservation. The site is located in a flood risk zone 3a, however subject to conditions no objections have been raised by the Environment Agency in relation to flood risk issues and the site is located within the central area which is promoted for regeneration and growth. The overall design and scale of the proposed development is considered acceptable and will provide a contrasting

modern solution not competing with the existing historic façade, Kursaal Conservation Area and streetscene. The parking for the residential flats is policy compliant. The proposed development will continue to preserve and enhance the Kursaal Conservation Area in accordance with the National Planning Policy Framework, Policies KP1, KP2 and CP4 of the Core Strategy (DPD1), Policies DM1, DM3, DM5 and DM8 of the Development Management Document and the Design and Townscape Guide (SPD1).

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance)
- 5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend on Sea Historic Environment), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule
- 5.7 National Technical Housing Standards DCLG 2015

6 Representation Summary

Design and Regeneration

- 6.1 The Britannia dates from the late 18th / early 19th century and is one of 3 notable buildings in the Kursaal Conservation Area the others being the Kursaal itself and the former Minerva (now Bourgee). It was built as a house but was changed to an Inn in the mid-19th century and remained so until it was closed a few years ago. It has been a long standing feature of the seafront and as such is an important part of its history. A photo of the building dated 1880 shows its original red brick, multi-paned timber sash windows, Georgian door and fanlight detail as well as the parapet which is raised and pedimented and was added to enable signage for the Inn. The bay windows were also added later just prior to conversion.

Unfortunately the building has suffered a number of unsympathetic alterations to the front including the application of rough cast cement render, upvc windows, the replacement of original slates with cement tile and the loss of the parapet and signage and this has had a detrimental impact on the character of the building and the wider conservation area. However, there is the potential for these aspects to be reinstated and for the frontage and were this to happen the building would be significantly enhanced and make a more positive contribution to the conservation area and wider streetscene.

The site visit revealed that, in addition to the change to the external appearance, the building had been substantially altered internally and to the rear including significant opening up inside which had impacted on the original plan form and a significant loss of historic fabric including most of the lath and plaster on the walls and ceilings and associated features such as skirtings, cornices and fire surrounds. The removal of the ceilings had exposed the joists and rafters and here too there was a significant proportion of new timbers throughout the building. New timber stud walls were also noted as well as the installation of a modern concrete floor at ground level. Access was not available to the first floor for safety reasons but photos of this area show evidence of deflection of the western gable where gapping can be seen to the floor, significant cracking, loss of historic fabric as noted above and replacement with modern fabric similar to the ground floor. It was also noted a number of unauthorised structural alterations had been made to the building internally which was threatening its integrity.

Remnants of the rear weather boarded wing seen in the photo of 1880 also still survive, albeit in a poor condition and significantly extended including poor quality modern additions and partially rebuilt with concrete blockwork in the original extension. The photo shows that this element of the building was originally visible to the street and part of the seafront character but is now obscured by the neighbouring building and as such does not make a visible contribution to the character of the conservation area.

Whilst the building appears to be in a reasonable state of repair from the front, this is misleading and the current condition of the building is a concern and as such this building is can be classed as at risk.

Given the age of the building and its history, if it was intact it may be considered suitable for national listing but enquiries with Historic England have confirmed that because of the extent of alteration to the building it would not be eligible. The local historic importance of the building is, however, recognised in its status as a locally listed building and as a positive contributor to the Kursaal Conservation Area where its front façade is an important part of the streetscape.

Following concerns raised by the Council and by the public to the total loss of the building the application for total demolition was withdrawn the building was reappraised by a new structural engineer with experience of historic buildings. This report found that:

- There is a significant bowing in the western stack caused by the lack of restraint of the first floor and eaves level - the report states that this gable needs to be rebuilt.
- The eastern gable appears reasonable
- Modern timbers and a steel frame have been installed in the front section
- Some spalling of front brickwork, loose bricks and cracking on the internal flanks and upstairs (viewed where the internal plaster has been stripped) and this will need to be repaired in places where bricks are missing
- The front façade could be retained but would need steel restraint internally during construction which will be costly
- Water ingress has occurred at ground floor during the flooding of the seafront and this may have affected the integrity of the base of the walls

It seems that the most significant problem is the bowing and lack of stability of the western flank such that this would require rebuilding. Discussions with the Councils Structural Engineer have confirmed that this is indeed the case and that the situation is compounded by the lack of stability in the rear wall which is only timber. It would therefore seem that an element of demolition would be required whatever the proposal.

Given the condition of the building and the general desire from all parties to see it retained in some form the applicant is now proposing a scheme of façade retention which would see the front elevation, east gable and part of the west gable retained with a new extension behind. This would require the elements to be retained to be propped whilst repairs and extension works were undertaken. They are also proposing a number of significant enhancements to the front facade including replacement of the render with breathable lime render, new timber sash windows to match the original style, reinstatement of traditional slate on the roof, reinstatement of the parapet, removal of modern porch and reinstatement of the original door and fanlight design.

A new two storey extension is proposed to the northern side of building which will extend the depth of the building at both levels to be effectively double the width of the central section. It is also proposed to raise the ridge of the roof to enable roof accommodate with front and rear dormers and a flat roof section in between. The ground floor is proposed as a Fish and Chip restaurant with 3 x 1b flats on the upper floors.

To the rear a new modern block of 4 storeys is proposed to provide the enabling development for the scheme. This is set well back and will not be prominent from the street although would be partially visible in longer views. Parking for the residential units and refuse and cycle parking for all uses is provided at ground level behind the front building. An amenity deck is proposed above linking the two buildings.

Generally the changes to the front elevation, if well detailed, will retain the historic streetscene and enhance the public face of the Britannia and this will have a positive impact on the conservation area and help to regenerate the wider seafront. The only alteration proposed to the front elevation is the raising of the ridge and the insertion of 3 dormers to the front roofslope. Whilst this unlikely be acceptable for a listed building, given that the building is only locally listed and at significant risk there is more scope for sympathetic alterations which are respectful to the historic character of the building. It is noted that the existing roof is very shallow and the proposed increase would remain of a reasonable scale in relation to the proportion of the front facade. The dormers are modest in scale and aligned with the existing windows which should ensure that the proposal will not appear top heavy or over dominant. Overall, therefore, it is considered that, although this is not the original design, this change will appear convincing in the streetscene provided design of the dormers and windows are well detailed.

It is noted that, whilst the western flank will be screened by the neighbouring terrace, the extended form of the building may be glimpsed from distance across the top of the adjacent building to the east. It is likely that this corner will be redeveloped in the future and this view will then be obscured but this is by no means certain so the proposal has been amended to improve the detailing of this flank to better fit with the character of the existing building.

On balance, given the condition of the building and the fact that it is not listed or of listable quality, a scheme of façade retention with the improvements proposed to the frontage would seem a reasonable outcome for the building and for the conservation area. It seems that a scheme for the retention of the whole building would in itself require significant rebuilding and is very unlikely to be viable in this case, and if this was sought there would be a high risk for further deterioration of the building which is already at risk. It is therefore recommended that, in this instance, the principle of façade retention and extension be accepted subject to the conditioning and approval of various key details to ensure the historic integrity of the frontage.

To the rear a new 4 storey flatted block is proposed to provide the enabling development for the scheme. This is a simple modern design with interest and articulation provided through the angled footprint and angled roof and in its cladding with high quality metal shingles (similar to that used at Waterloo Villas 20-26 Leigh Hill). The main fenestration is proposed to the front including set in balconies adding shadowing and depth to the elevation. In principle, given the set back from the frontage it is considered that a modest building of 4 storeys would not appear out of place in this context against the back drop of the significant massing of the Kursaal extension, indeed given the poor quality of this extension, any screening of this would be welcomed. The visuals show that it would have a low impact on the skyline and that the Britannia frontage will remain the principle elevation to the street. The scale of the proposal is therefore accepted in this location.

Although the change in character between the two buildings is clear it is considered that a contrasting modern solution is the most appropriate option as a traditionally designed building of this scale would most likely appear unconvincing and bulky in this context. The simplicity of form and the quality of detailing and materials should ensure that this proposal is high quality and understated in the streetscene such that it will not compete with the finer detail of the historic frontage of the Britannia, the Kursaal and wider conservation area.

In terms of layout, it is noted that the residential units are to be accessed via a gate to the side of the historic building and via a staircase to the deck or via the parking area. This seems reasonable in this context as the gate is existing and part of the historic setting of the building and there is no opportunity for a residential entrance in the main frontage. Good landscaping of the deck should ensure a pleasant environment and a useable amenity area for the units. The rear block also has an access via the core on the northwest corner. This will need to be accessed via the car park or rear access route but given the constraints of the site this is considered acceptable. It is pleasing to see that the lobby will benefit from natural light as this will make it appear more welcoming. It is noted that a bin store is proposed on the north frontage across the front of this full length window. This would seem to be a conflict and should be re-sited within the undercroft or at least enclosed within a well detailed store to the side of the window.

The flats themselves are not generous but seem useable in their layout. It is pleasing to see that the ducting for the restaurant will be directed away from the front building and contained within a void on the roof of the rear block. It is understood that this void, which also contains the lift overrun, is to be covered by a perforated roof so will be hidden from view. This should ensure a neat profile for this building which is appropriate for the design approach proposed. It is noted that pvs are proposed to the roof to provide the required renewables and this location is also preferable to any roof installations to the front building.

Overall it is considered that this scheme is a significant improvement over the previously withdrawn proposal both in terms of the impact on the historic building and conservation area and its overall design and detailing.

The proposal is therefor considered acceptable subject to conditions relating to its detailing and materials as outlined below.

Traffic and Transportation

- 6.2 The existing use does not have any off street parking provision. However a number public car parks and on street pay and display parking are available within the local area.

The proposal provides 9 dwellings with 100% off street parking provision, 18 cycle spaces and refuse collection point for residential and commercial waste. Access to the parking area is via a private access way. The internal parking layout enables vehicles to enter and manoeuvre effectively within the site. the refuse storage is located outside of the current policy guidance for waste collection so alternative arrangement will have to be made on the day of collection.

Consideration has been given to the sustainable location of the site which has local public transport links in close proximity, national cycle route 16 running parallel to the site and a number of public car parks within close proximity.

Given the above information it is considered that the proposal will not have a detrimental impact on the public highway. Therefore no highway objections are raised.

Environmental Health

- 6.3 The application is for a prominent seafront building to be converted into an A3 use – restaurant with a number of residential units sited above. Further residential properties are to be erected to the rear of the existing building.

In relation to the demolition no asbestos survey appears to have been submitted **[Officer Comment: This can be dealt with by condition]**

A full asbestos survey shall be carried out by a suitably qualified person on the building(s) to be demolished. Any asbestos containing material(s) (ACM) must be removed and disposed off site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing.

The proposal site is in close proximity to a number of late night commercial/entertainment venues. The proposed residential premises may be subject to noise and disturbance from the existing and proposed commercial/entertainment sources.

In order to assess this proposal fully a suitably qualified and competent person who would normally be a member of the Institute of Acoustics shall evaluate all the potential noise impacts to the future occupiers of the development. This report shall include any necessary mitigation measures required to meet relevant internal noise criteria in accordance with BS8233:2014 **[Officer Comment: A noise assessment has been submitted for consideration concluding subject to appropriate conditions and mitigation measures no objection is raised]**.

Bedrooms in particular within the scheme should be provided with an adequate standard of façade sound insulation to protect amenity at night and in the early hours of the morning.

The noise assessment should also assess the proposed amenity areas of the development in line with the WHO guidelines for outdoor areas.

Also limited information has been provided regarding the proposed ventilation/extraction plant for the development. It is unclear from the plans if the extract is located internally or externally. This needs to be clarified.

The proposed ventilation and extraction plant will also need to be assessed 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 can be dealt with by condition]**.

Any mechanical extraction, ventilation or air conditioning plant would need to be carefully located and designed in order to prevent statutory noise and odour nuisance. **[Officer Comment: This can be dealt with by condition]**

Environment Agency

6.4 Tidal Flood Risk

Our maps show the site lies in Flood Zone 3a, the high probability zone. The Flood Risk Assessment (FRA) states that the site is located within Flood Zone 3b. This is incorrect as the site benefits from defences set above the 5% Annual Exceedence Probability (AEP) flood level. The 5% flood extent would therefore not impact the site so it is considered to be Flood Zone 3a.

The proposal is to part demolish the rear of existing public house and all outbuildings to erect three self-contained flats with a restaurant on the ground floor. A new four story block will also be constructed comprising six self-contained flats.

The restaurant is considered to be less vulnerable and the residential use is considered to be more vulnerable development in line with Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change.

Therefore, to comply with national policy, the application is required to pass the Sequential and Exception Tests and to be supported by a site specific FRA which meets the requirements set out in the National Planning Policy Framework (NPPF).

Sequential and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework (NPPF). The Exception Test is set out in Paragraph 102.

These tests are your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning

Flood Risk Assessment

A FRA prepared by SLR Consulting Limited, referenced 405.06372.00001, version no: Issue 1, dated May 2016 has been submitted in support of this application. We have reviewed this FRA and consider it provides you with sufficient information to assess the acceptability of flood risk at this site. Further information is provided as a technical appendix to this letter.

We had no objection to a similar application referenced 16/01274/FUL in August 2016 at this site and it is understood that this application will involve the creation of a new block of six flats which was not previously considered. The same FRA prepared by SLR Consulting Limited, referenced 405.06372.00001, version no: Issue 1, dated May 2016 has been submitted in support of this application. This FRA has not been amended to reflect the new block of flats but our position remains the same as all new habitable space will be on the first floor or above. We therefore have no objections on flood risk grounds. It should be noted that this is an intensification of development and there will be a greater number of people on site to consider in a flood event **[Officer Comment: The Environment Agency have confirmed there is no requirement for an updated Flood Risk Assessment]**.

Historic England

- 6.5 From the photos, plan provided the building has been substantially altered both externally and internally, but mostly the later. Internal photos show that most of the wall plaster has been removed, leaving exposed brickwork, fireplaces are blocked and no fireplace surrounds or internal detail survives. A very few original timbers and beams appear in place, but the studwork appears modern. Due to the extent of alteration, the Britannia Public House can't be considered to be of national importance and it would not meet criteria for listing. However, enough external detail survives for it to be clearly identifiable with the building shown in the 1880s photo and based on the information provided it appears to be of considerable local historical importance.

Public Notification

- 6.6 A site notice has been displayed on the 19th January 2017 and neighbours notified of the proposal. 7 letters of representation have been received with 2 resident objections and 5 association and society objecting as follows:

Two residents objected stating:

- Car parking access is to the rear and this is unregistered land and already congested;
- The building should be retained and restored in full including the roof form

- 6.7 *Milton Conservation Society*

- Building should not be demolished – significant historical asset
- Historic fabric, interior features and historical meaning would be lost by just retaining the façade
- Building is important for the historical and economic sustainability of the Kursaal conservation area
- Heritage statement submitted does not satisfy the statutory requirements of NPPF
- the proposal does not meet the historic environment policies of the LDF including, those contained in the SCAAP
- residential block design, whilst acceptable in principle is poorly designed, not respecting nor referencing the cons area context and not uplifting to the neighbouring residential roads
- the proposal includes a completely new and enlarged building behind

the façade and the claim to retain an historical asset is misleading

Following the re-notification of amendments the planning application further comments were received from the Milton Conservation Area

- The additional photographs provided show clear lath marks, that there are extensive original timbers in the walls, floors, ceiling and roof structure. The back wall, where boarded over, is evidently original. Even if the boarding may have been replaced early in the 20th century the wall is original. The timbers should be perfectly suitable for retention with appropriate surveying, treatment and strengthening as required. The walls can be retained and the applicant agrees the front and much of the side walls can be retained therefore the Britannia can be saved;
- The rear needs clearance and some reconstruction but the historic rooms of the main range, in which much of the buildings historical significance rests, can be saved. This historic importance is acknowledged by local historians, and society.
- Consent must not be given to demolish the building and all efforts should be to save the building
- As for clarification to show the extract duct, dormers, these only serve to highlight the design problems. The large duct will sit below the undercroft roof and integer with the quality of space to access the flats and the amenity space, the dormers do not work in terms of siting
- The rear proposal remains incongruous, with no contextual relationship to the conservation area nor surrounding dwellings and reminds use of the Essex University student housing in London Road with no sense of context.
- Southend has made too many mistakes and lost too many fine buildings in the past, buildings that make up heritage of the town to buildings of no urban quality.
- Heritage should remain and build better modern buildings to fulfil the SCAAP aim to transform the perception and image of Southend

[Officer Comment: The agent has provided a response to the comments from Milton Society stating:

There are some original timbers; they are by no means extensive original timber framework. There are two walls that have some semblance of originality but can't be authenticated, or dated as original.

In relation keeping the Britannia as a Public House – events have clearly

prevailed and the market for a Public House in that location has been borne out by the evidence of the Brewery selling their asset. Another public house along the Central Seafront is not delivering the aims of the SCAAP and is not helping to transform the Central Seafront into a family friendly, safe, high quality location for furthering tourism.

The Britannia has been surveyed by a specialist heritage engineer with full access to the site.

In retaining the façade and side flank the Britannia is being saved as per this application.

In relation to the suggested carbuncle to the rear of the site- the proposals mask the over scaled and inconsiderate addition to the rear of the Kursaal.

The proposal to the rear creates a clean, crisp simple contemporary form with a modern material which is complementary to the historic fabric of the Britannia and the Kursaal Conservation Area.

In relation to ducting and dormers, the Conservation Society do not want the building to be altered in any shape or form, which would see the building fall into further disrepair and eventually collapse.

By introducing a new sustainable use with appropriate servicing and improving the accommodation utilising the roof form ensures that the Britannia will remain in perpetuity.

We are aware that an approach has been made to Historic England with a view to Nationally Listing the Britannia. Historic England have chosen not to list the Britannia due to the extensive changes i.e. removal of extensive historic fabric and alterations.

The salvageable and working elements of the Britannia are indeed being saved to preserve Southend's Seafront Heritage".]

6.8 Belfairs Residents Association

- historic part of Southend seafront and building should be saved in its entirety and do not want to lose any more heritage buildings

6.9 The South Essex Building Preservation Trust Ltd

- Although the building is not grade 2 listed it is locally listed and a significant building of this town (1807)
- representatives of the trust have been inside and the interior has been

completely stripped out before the applicant bought the building

- An engineer states the front elevation appears to be fairly modern, the trust disagrees with this statement, it is original. Of course there have been some alterations and repairs would urge the planners to insist on the following and comments are fundamental to the approval of the application. Should the below items not lead to the amendments to the scheme then the trust believes that the current application must be refused
- show the extent of the retention of the building. The drawings show chimney stacks which suggest that the side walls will be kept
- The windows at first floor will be returned to the original wooden double hung sashes as the early photos show **[Officer Comment: Amended drawings have been received and the exact details of the windows will be dealt with by condition]**
- The existing sand and cement render removed and rendered with Hydraulic lime render
- There should not be an attic storey. The applicant has the opportunity of creating a new building at the rear so only the first floor should be used for apartments above the proposed restaurant
- The pediment sitting on the front wall should be reinstated **[Officer Comment: Amended drawings have been received and the specific details will be dealt with by condition]**
- The east side timber framing should be retained **[Officer Comment: This is proposed to be demolished and the applicant has demonstrated it is not structurally sound. It should also be noted this element is not listed]**
- Not enough cogent thought has gone into the retention of this building and report does not give evidence that condemns the structure

6.10 *Essex County Preservation Trust Ltd*

- To leave just the façade and part of the shell is not acceptable in this day and age with so much of our heritage lost
- In the trusts long experience, Developers always cited that a building is beyond repair as was stated in their first application clearly this must have been untrue as they can now incorporate part of the building into their new build and should be seen as pure financial gain.

- The building in question easily lends itself to be fully retained
- The increase in volume should be rejected on grounds that anybody buying these historic buildings are fully aware of cost implications and have a duty of care to retain them
- Any new build should respect and enhance the historic structure and in our experience this is quite often an asset.
- Application should be refused and request that the applicants re-submit an application retaining the entire Britannia pub house within any new build

6.11 *Save Britain's Heritage*

- Will cause considerable harm to a locally listed building and Kursaal cons area and request application to be refused
- The proposed new building to the rear is considered not in keeping with the cons area and will be visible behind the retained façade of Britannia and from eastern esplanade and beach road
- although accepting the building has been altered over time and much of the original material lost in the process it is noted within the engineers report that it makes many references to surviving historic elements including timber studding, brickwork, stud walling and remnants of dormer windows. The loss of these elements as proposed would be harmful to the locally listed building and cons area
- Para 128 of the NPPF – applicants heritage statement fails to fully assess the impact and its conclusion the proposal will enhance and protect the building is clearly false as the proposal is for significant demolition
- Para 132 of NPPF – great weight should be given to the asset's conservation and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting
- Refers to para 132 138 and 138 of NPPF, policy c2, c4 and that they do not consider this proposal meets these requirements and should be refused results in harm caused to a locally listed building within a very tightly bounded cons area and in clear breach of local planning policies and believes that application is not suitable and therefore should be refused

- 6.12 Councillor Walker has requested this application be dealt with by development control committee.

7 Relevant Planning History

- 7.1 Demolish existing public house and outbuildings and erect a four storey building comprising of ground floor restaurant (Class A3) with 5 flats to upper floors, erect two storey building to rear comprising of two self-contained flats, layout cycle store, bin stores and parking to rear- Withdrawn (16/01274/FUL)
- 7.2 Demolish existing public house and outbuildings and erect new 4 storey building comprising A3 restaurant to ground floor, inclusive of residential 2 - 3 storey block to rear to create 7no self-contained flats- (15/01970/PREAPF)

8 Recommendation

- 8.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following reason:**

- 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: 303/P01 Revision C; 303P07 Revision A; 303P03 Revision B; 303P02 Revision B; 303P08 Revision A; 303P05 Revision B; 303P04 Revision A; 303P06 Revision C.**

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

- 03 **The development hereby permitted shall operate at all time in accordance with the 'Flood Risk Assessment' dated May 2016 reference 405.06372.00001 carried out by SLR Global Environmental Solutions.**

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

- 04 **Finished first floor levels are to be set no lower than 6.30 metres above Ordnance Datum (AOD).**

Reason: To ensure ground floor levels are provided above the flood level with the NPPF and policy KP2 of Core Strategy.

- 05** No development shall take place until samples of the materials to be used on all the external elevations, including front building-lime render mix, plinth, brick, slate, windows, doors, cills, parapet, roof, guttering, external staircases, signage and design details including sash windows, door, fanlight, dormers, parapet, signage, roof to bays. Rear building-materials, and product detailing for cladding, balconies, roof, windows, doors, coping, balustrade, guttering, edge detailing of roof and undercroft area, and on any screen/boundary walls and fences, and on any external access way, driveway, forecourt or parking area and steps have been submitted to and approved by the local planning authority. 0The development shall only be carried out in accordance with the approved details.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies DM1, DM5 and DM6 of the Development Management DPD and KP2 and CP4 of the Core Strategy.

- 06** No development shall take place until a detailed design and method statement relating to the front façade retention has been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved design and method statement unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard character and appearance of surrounding area in accordance with Policies DM1, DM5 and DM6 of the Development Management DPD and KP2 and CP4 of the Core Strategy.

- 07** Final glazing, acoustic insulation and ventilation details for the scheme are to be submitted to, and approved by, the Local Planning Authority prior to installation. Glazing and ventilation should be selected with relevant acoustic properties as outlined in the Noise Impact Assessment dated 3rd-8th February 2017. Appropriate mitigation must be given to ensure that cumulative noise levels in accordance with BS4142:2014 meet relevant internal noise criteria in accordance with BS8233:2014, along with tonal and impulsive penalties where necessary and remain in perpetuity.

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 08** Before the A3 use hereby permitted is occupied, details of any equipment to be installed to control the emission of fumes and smell

from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the unit is brought into use. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

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

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and visual amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 10 The Use Class A3 use hereby permitted shall not be open to customers outside the following times: 07:00 to 00:00 hours.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character and amenities of the area in accordance with policies Policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 11 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD

2015.

- 12 The development shall not be occupied until 9 car parking and 18 cycle parking spaces have been provided, all in accordance with the approved plans. The parking and cycle spaces shall be permanently retained thereafter for the parking of occupiers of residential flats.**

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

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**

- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management DPD 2015.

- 14 Details of any external lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority before the development is occupied or brought into use. Development shall be carried out in accordance with the approved details before the development is occupied or brought into use. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies

DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 15 Construction hours restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.**

Reason: To protect the amenities of the residential occupiers from undue noise and disturbance in order to protect their amenities in accordance with DPD1 (Core Strategy) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the DM DPD and SPD1 (Design and Townscape Guide).

- 16 Prior to the commencement of the development hereby approved, details of the siting and appearance of the cycle and refuse store shall be submitted to and agreed in writing by the Local Planning Authority. The proposed development shall then be carried out in accordance with the approved details and the refuse and cycle store shall be provided prior to the occupation of any flats at the site and the commercial premises.**

Reason: In order to protect the character and visual amenities of the area and the environment for residents in accordance with policy DM1 of the Council's Development Management DPD and Policies KP2 and CP4 of the Core Strategy DPD1.

- 17 A full asbestos survey of the building(s) to be demolished shall be carried out by a suitably qualified person prior to demolition. Any asbestos containing material(s) (ACM) must be removed and disposed off-site to a facility licenced by the Environment Agency. A waste transfer certificate must be submitted to the local planning authority prior to development commencing.**

Reason: In order to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

- 18 No meter boxes shall be installed on the front of the building or side elevations of that face a highway and the meter boxes installed thereafter in accordance with the approved details.**

Reason: In the interests of visual amenity in accordance with Policies DM1 and MD3 of the Development Management DPD 2015 and the Design and Townscape Guide 2009.

- 19 No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local**

planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

To ensure surface water is adequately managed in the interests of flood prevention and pollution control, in accordance with DPD1 (Core Strategy) 2007 policy KP2.

- 20 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 21 The development hereby approved shall be carried out in a manner to ensure the houses comply with building regulation M4 (2) 'accessible and adaptable dwellings'.

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).

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.

Informative

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development.**

Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

- 2 Compliance with this decision notice does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. Contact 01702 215005 for more information.**
- 3 The applicant is reminded that this permission does not bestow compliance with the Food Safety and Hygiene (England) Regulations 2013 or any other provision so enacted, such as those located within the Food Safety Act 1990. Applicants should contact the Council's Environmental Health Officer for more advice on 01702 215005 or at Regulatory Services Department, Southend-on-Sea Borough Council, Civic Centre, Victoria Avenue, Southend SS2 6ZG.**
- 4 For further guidance on the control of odour and noise from ventilation systems you are advised to have regard to – Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This can be downloaded free from www.DEFRA.Gov.UK**

