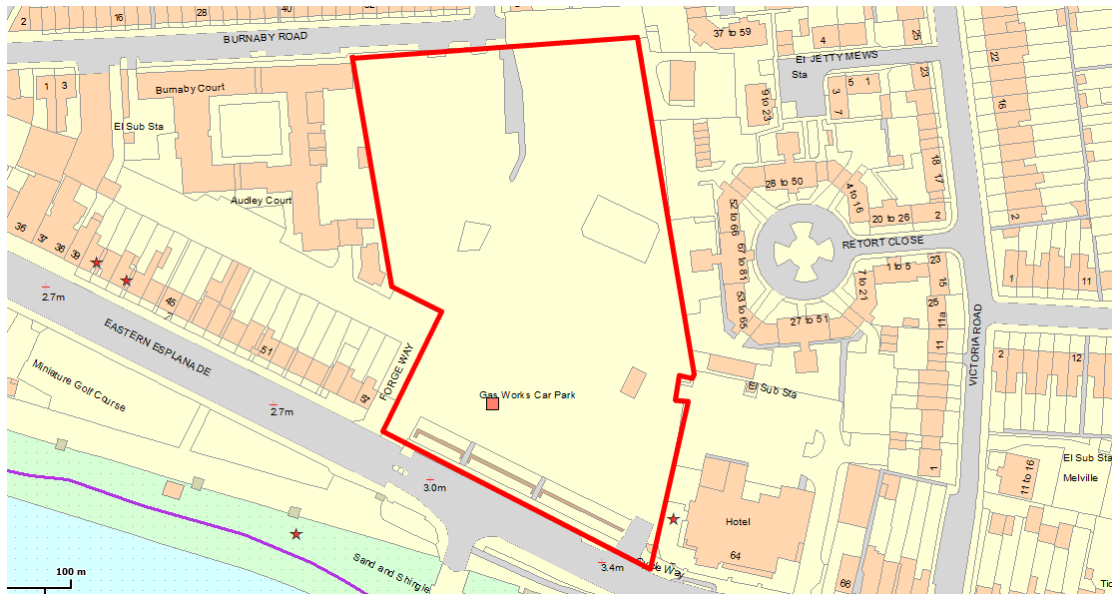


Reference:	20/00311/BC3M
Application Type:	Borough Council Regulation 3-Major
Ward:	Kursaal
Proposal:	Resurface existing car park and layout additional coach and car parking
Address:	Car Park At Former Gas Works Site, Eastern Esplanade, Southend-On-Sea
Applicant:	Southend On Sea Borough Council
Agent:	Sharon Harrington of Southend Borough Council
Consultation Expiry:	19th March 2020
Expiry Date:	21st May 2020
Case Officer:	Charlotte White
Plan Nos:	MW192020 (Location Plan), MW,1920202 (Block Plan), Design and Access Statement, MW,192020 Resurfacing Plan.
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions



1 Site and Surroundings

- 1.1 The site constitutes a previous gas works site. The site has since been cleared and is currently, lawfully used as a car park, with temporary planning permission granted under reference 18/00634/BC3M to use the vacant site as a temporary car park for a period of 5 years. The existing car park has separate points of access and egress from Eastern Esplanade.
- 1.2 The site has a frontage to both Eastern Esplanade (to the south) and Burnaby Road (to the north). The surrounding area is mixed in character with residential dwellings, hotels and commercial units in the wider surrounding area.
- 1.3 The site is located in flood zone 3a. There is a Conservation Area to the west of the site (Eastern Esplanade Conservation Area) which includes Grade II Listed Buildings and locally listed buildings. Within the Southend Central Area Action Plan (SCAAP) (2018) the site is located within the Central Seafront Policy Area. The SCAAP identifies the area to the front of the site as a key public realm improvement area and part of the seafront landmark area.

2 The Proposal

- 2.1 Planning permission is sought to resurface the northern/rear part of the car park with black asphalt and layout additional coach and car parking. There are currently 176 car parking spaces on the site including 8 disabled spaces and 10 motorcycle spaces and 19 coach parking spaces. It is proposed to provide an additional 83 parking spaces, resulting in a total of 259 spaces on the site. No additional motorcycle spaces are proposed (10 retained), an additional 6 disabled spaces are proposed (resulting in a total of 14 disabled spaces). An additional 8 coach spaces are proposed, resulting in a total of 27 coach spaces on site (although it is noted that the applicant has stated that up to 40 coaches could be parked on the site, with the car park being used in a flexible way).
- 2.2 The Design and Access Statement submitted indicates that the access to the car park will be via the existing entrance and exit from Eastern Esplanade. Pedestrian access is step free. The coach parking will be operated as a pre-book car park but with flexibility to accommodate pay and display as required.
- 2.3 The Design and Access Statement submitted states that the proposal is to resurface the existing hard standing area with black asphalt, layout formal car and coach parking and provide ANPR (Automatic Number Plate Recognition) security systems. It is stated that the car park gates will be closed overnight at 10pm, except on the days of main organised events such as the Seafront Fire Work Displays, albeit, the information submitted indicates that the car park did close at 10pm during the firework displays at the end of last year. It is stated that the existing lighting columns will be retained which have adjustable control of lux (i.e. luminance) levels and are on a timer. It is stated that the existing landscaping will be retained to the southern boundary of the site with further planting undertaken where appropriate. The Design and Access Statement states that it is proposed to reuse the existing site drainage with the new car park surface laid to a slight fall to shed water to the existing drains.

- 2.4 The application has been submitted with a Design and Access Statement, Noise Impact Assessment, Geo-Environmental Investigation, Air Quality Assessment, Transport Assessment and Flood Risk Assessment.

3 Relevant Planning History

- 3.1 The site has a fairly extensive planning history. The most relevant planning history is outlined below:
- 3.2 18/00634/BC3M - Use vacant site as temporary car park (for a period of five years) and widen existing entrance onto Eastern Esplanade, changes to hard and soft landscaping, boundary treatments and associated works – Temporary planning permission granted.
- 3.3 13/00869/EXTM - Hybrid Application to demolish the existing buildings, erect mixed development comprising 216 flats, 64 bedroom hotel, restaurant and retail floor space in 4, 5, 7 and 12 storey blocks with piazza, semi-underground and surface car parks, cycle parking, associated infrastructure (Full Application) and use the land fronting Burnaby Road for affordable housing (Outline Application) (Application to extend the time limit for implementation of 10/00140/FULM granted on 16/08/2010) – Allowed at appeal.
- 3.4 10/00140/FULM - Hybrid Application to demolish the existing buildings, erect mixed development comprising 216 flats, 64 bedroom hotel, restaurant and retail floor space in 4, 5, 7 and 12 storey blocks with piazza, semi-underground and surface car parks, cycle parking, associated infrastructure (Full Application) and use the land fronting Burnaby Road for affordable housing (Outline Application) – Planning permission granted.

4 Representation Summary

4.1 Public Consultation

150 neighbouring properties were consulted, a site notice displayed and the application was advertised in the press. 3 letters of representation have been received which make the following summarised comments:

- Concerns relating to coaches parking/stopping in the entrance to the Gas Works car park and road and blocking access to Audley Court.
- Concerns relating to the entrance and exit of the car park.
- Increase in rubbish.
- Concerns relating to lack of landscaping and trees and benches
- Uneven and dangerous footpaths.
- Concerns relating to the flood lights – flood lights directed to apartments in Retort Close, making sleeping impossible.
- Concerns that coaches leave their engines running whilst parked, and request to limit diesel exhaust.

4.2 Cadent

There is apparatus in the vicinity which may be affected by the activities specified.

4.3 Highways Team

No objections raised

4.4 **Parks**

The development site is located approximately 35m from the Southend Marshes SSSI and Ramsar Site. There should be no negative impact to the surrounding environment which includes Southend beaches and marshes. Request a condition that landscaping is agreed before opening the site.

4.5 **Council's SuDS Engineers**

Requests additional information.

Officer comment: A condition has been recommended in this respect.

4.6 **Environmental Health**

Raises no objection – recommends conditions relating to construction and contamination.

4.7 **Environment Agency**

No objection.

5 **Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP6 (Community Infrastructure)

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend-on-Sea's Historic Environment) Policy DM6 (The Seafront), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

5.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS3 (Landmarks and Landmark Buildings), DS4 (Flood Risk Management and Sustainable Drainage), DS5 (Transport, Access and Public Realm) and CS1 (Central Seafront Policy Area Development Principles).

5.5 Design & Townscape Guide (2009)

5.6 CIL Charging Schedule (2015)

6 **Planning Considerations**

6.1 The main considerations in relation to this application are the principle of the development, design and impact on adjoining heritage assets, traffic and transportation matters, impact on residential amenity and the environment, flood risk and drainage considerations and CIL (Community Infrastructure Levy). The planning history is a material consideration in the determination of the application.

7 Appraisal

Principle of Development

- 7.1 Paragraph 117 of the NPPF states: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Policy KP2 of the Core Strategy requires *'all new development...make the best use of previously developed land, ensuring that sites and buildings are put to best use.'* Policy CP4 of the Core Strategy similarly seeks to maximise *'the use of previously developed land'*.
- 7.2 Policy KP1 of the Core Strategy states *'appropriate regeneration and growth will be focused in the...seafront to enhance the Seafront's role as a successful leisure and tourist attraction and place to live, and make the best use of the River Thames, subject to the safeguarding of the biodiversity importance of the foreshore.'*
- 7.3 Policy CP3 of the Core Strategy states that *'improvement to transport infrastructure and services will be sought...by widening travel choice, particularly by car share, rail, bus, including social transport, taxi, cycling and walking...'*
- 7.4 Policy DS5 of the SCAAP states *'In order to support the vitality and viability of the SCAAP area the Council will maintain parking capacity within Southend Central Area at a level that supports vitality and viability and does not undermine the Central Area's ability to accommodate visitor trips, whilst enabling the delivery of relevant opportunity sites.'*
- 7.5 Policy DS4 of the SCAAP states development proposals which are within a flood zone *'will be accompanied by a flood risk assessment...will locate more vulnerable uses in the areas of the proposal least at risk...will achieve an appropriate degree of safety over the lifetime of the development...'* Policy DM6 of the Development Management Document similarly requires developments in this location to take account of flood risk.
- 7.6 The site has previously been granted planning permission to be redeveloped to provide a mixed development including residential units, hotel accommodation and commercial uses. However this permission has now lapsed. More recently temporary planning permission was granted on 6th June 2018 for a period of 5 years to use the site as a car park. This temporary permission has been implemented and remains in place until 6th June 2023. The front of the site has already been re-surfaced and laid out for car parking. The rear of the site is currently being used for coach parking. This application seeks to resurface and formalise the parking to the rear of the site, with parking provided for cars and coaches, with some flexibility. As such the principle of using the site for parking purposes has already been considered acceptable for a temporary period. The use would provide parking for members of the public and for coaches which would benefit tourism/day trips and would benefit other uses and businesses in the surrounding area and the wider community. No objection is therefore raised to the principle of the temporary use proposed in this respect, subject to a similar condition, restricting the use for a further 5 years from the date of this permission.

- 7.7 The site is located within Flood Zone 3a (high probability of flooding). The application has been submitted with a Flood Risk Assessment and Drainage Strategy which comments that the proposed use constitutes a 'less vulnerable use' which is an appropriate use within flood zone 3a. The Flood Risk Assessment also identifies that the site benefits from flood defences. The Flood Risk Assessment concludes that the development does not increase flood risk either on site or elsewhere and that the proposal will remain safe for the lifetime of the development. Given the findings of this report and given the nature and temporary use of the proposed development no objection is raised to the principle of the development on this basis, Flood risk considerations are considered in greater detail below. It is also noted that no objection was previously raised on this basis under reference 18/00634/BC3M.
- 7.8 This proposal is considered in more detail in the context of the policies relating to design and impact on the adjoining Heritage Assets below. However, no objection is raised on this basis in principle.
- 7.9 There is therefore no objection to the principle of using the site as a surface car park for a temporary period of 5 years, subject to the scheme satisfying each of the considerations detailed below.

Design and Impact on the Character of the Area and Adjoining Heritage Assets

- 7.10 Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and Section 66(1) of the same Act states for development which affects a Listed Building or its setting that special regard shall be had to the desirability of preserving the building or its setting or any feature of special architectural interest that it possesses.
- 7.11 It should be noted that good design is a fundamental requirement of new development to achieve high quality environments. Its importance is reflected in the National Planning Policy Framework, in Policies KP2 and CP4 of the Core Strategy and in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that "*the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.*"
- 7.12 Paragraph 124 of the NPPF states '*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'
- 7.13 Policy DM1 of the Development Management Document states that all development should "*add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features*".
- 7.14 Paragraph 193 of the NPPF states '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).*'

- 7.15 Paragraph 195 of the NPPF states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss if necessary to achieve substantial public benefits that outweigh that harm or loss...'*
- 7.16 Paragraph 196 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance or a designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.17 Policy DM5 of the Development Management Document states *'Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'*
- 7.18 Policy DS5 of the SCAAP states *'In order to support the vitality and viability of the SCAAP area the Council will ensure new and existing car parks add to the overall aesthetic quality of an area through such measures as landscaping, green walls, public art, pedestrian walkways and pedestrian permeability, as well incorporating layouts to reduce visual impact and effect on key views within and to Southend Central Area.'*
- 7.19 The proposed car park is of a relatively utilitarian design, however, the existing site has already been granted temporary planning permission to be used as a car park. The scheme does include some small areas of landscaping which is positive. It is noted that there have already been improvements to the appearance of the site since the granting of temporary planning permission in 2018 with, for example the introduction of gabion walls and trees to the front of the site, in accordance with Policy DS5 of the SCAAP. As such, on balance, the proposal is considered acceptable and policy compliant in the above regards.
- 7.20 The site is located adjacent to a Conservation Area; the Eastern Esplanade Conservation Area which constitutes numbers 40-57 Eastern Esplanade; a row of mid-19th Century terraced cottages. No's 40-45 constitute Grade II Listed Buildings and numbers 46-57 constitute locally listed buildings. Given that temporary planning permission has already been granted for the use of the site as a car park, given that landscaping improvements have already occurred and that some additional landscaped areas are proposed as part of this application, it is considered that the proposed development would preserve the character and appearance of the adjoining heritage assets, in accordance with National and Local Planning Policies.
- 7.21 It is considered that the development would be of an acceptable overall design that would not result in any material harm to the visual amenity of the area. The development would preserve the character and appearance of the adjoining Conservation Area and would not result in any material harm to the setting of the nearby Listed Buildings. The proposal is therefore acceptable and policy compliant in this respect.

Impact on Residential Amenity

- 7.22 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.23 Policy DM14 of the Development Management Document states that *'Development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where an appropriate contaminated land assessment has been carried out...where contamination is found which would pose an unacceptable risk to people's health, the natural environment or water quality, the Council will impose a condition, if appropriate, to ensure the applicant undertake remedial measures to ensure that the site is suitable for the proposed use and that the development can safely proceed. Remediation works will be carried out before the commencement of any new development'*.
- 7.24 Given the nature of the proposed development, the proposal would not result in any material harm to the living conditions of the adjoining residents in terms of overlooking, loss of privacy, dominance, an overbearing impact, loss of light and outlook, overshadowing or a material sense of enclosure.
- 7.25 Given the nature of the proposal, the development has the potential to result in noise and disturbance to the adjoining residents. In this respect, the application has been submitted with a noise impact assessment which concludes *'calculations indicate that the ambient sound level including the operation of the car park is likely to remain unchanged during the daytime hours suggesting no observed effect at the nearest noise sensitive receptors. As such, the site is therefore considered to be suitable for the proposed use with regard to noise and no additional mitigation measures are recommended'*.
- 7.26 In this respect, it is noted that Burnaby Road to the rear of the site has a more residential nature and is quieter than Eastern Esplanade to the front of the site. However, it is proposed, as existing, that vehicles will access and egress the site from Eastern Esplanade. This is a positive element of the proposal which will significantly reduce its impact. Eastern Esplanade is already a busy road and as such it is not considered that the proposed use would result in any material harm to the adjoining residents fronting Eastern Esplanade in terms of noise and disturbance over and above the existing situation. The site also adjoins dwellings to the east and west, however, it is apparent that fencing has been installed to the boundaries of the site which would provide some sound attenuation. It is also noted that there are some existing parking courts serving the flats to the immediate east and west of the site which directly adjoin the application site and that the information submitted with this application indicates that the gates to the car park will be closed at 10pm (except during main organised events). However, it is noted that the information submitted by the application indicates that during the fire work displays last year, the car park was still closed at 10pm. Temporary planning permission for the use of the site for parking purposes for up to 318 cars and 27 coach parking spaces has already been granted and does not expire until 6th June 2023.

The Environmental Health Team has raised no objection on this basis. The proposal is considered to be acceptable and policy compliant in regards to potential noise and disturbance impacts in the round.

- 7.27 In terms of lighting, the application seeks to retain the existing lighting columns and as such it is considered that the proposal would not result in any material harm to the adjoining occupiers in terms of light pollution over and above the existing situation. A condition can be imposed requiring the external lighting to be directed, sited and screened away from the adjacent properties. Subject to such a condition no objection is raised on this basis. It is also noted that Environmental Health have raised no objection on this basis and that temporary planning permission has already been granted to use this site for parking purposes.
- 7.28 This application has been submitted with an air quality assessment which concludes *'It is considered that the effect of the development on air quality will be insignificant to minor adverse and therefore the proposal fully accords with the principals of the AQMA. In conclusion, there would be no materially significant additional air quality impacts to the vicinity and sensitive receptors arising as a result of the proposal for the car park...'* In this respect, it is noted that the Environmental Health raised no objection on this basis. No objection is raised to the scheme in this respect. A representation received has raised concerns that coach engines are left switched on whilst parked which causes fumes and nuisance. A condition can be imposed on any grant of consent in this respect.
- 7.29 As such it is considered that the development would not result in any material adverse harm to the residential amenity of the adjoining residents. The proposal is therefore policy compliant in this respect.
- 7.30 In terms of land contamination, the application has been submitted with a Geo-Environmental Investigation Report. This report comments that the site formerly housed the Southend Gas Works, infrastructure associated with the gas works including gas holders, tar and liquid tanks and above ground oil storage tanks were previously located across the site. The report states that no significant sources of on-going contamination were noted during the site walkover.
- 7.31 The report concludes that elevated levels of high molecular weight organic contamination were noted in the groundwater and slightly elevated levels of mobile organics were observed, however, none of the remedial targets were exceeded by the maximum measured concentrations recorded in the groundwater retrieved from beneath the site and as such remedial action to afford protection to the Estuary receptor would not be required. Whilst localised contaminated soils were noted, the concentrations encountered did not exceed the relevant guidelines based on the proposed use of the site. Furthermore the site is to be covered with hardstanding thus severing any source receptor pathways. Therefore any risks to human health through contaminant uptake are considered to be low. The report recommends that clean top soil and sub soil are imported into any proposed soft landscaped areas. The report recommends a geotextile marker layer below any imported materials in this respect. The risk from the very small quantities of asbestos encountered are considered to be low, especially as the proposal seeks to cap the entirety of the site with hardstanding. Any services should be protected if included in the redevelopment of the site. No gas protection measures are necessary as no new buildings are proposed on the site.

The report submitted therefore concludes that a watching brief be implemented on this site and should any further contamination be discovered all works should cease and a suitably qualified person should attend the site to agree a formal remediation strategy. The report's final conclusions are that based on the proposed redevelopment of the site as a car park, provided that the recommended remedial works are implemented that the site would not be considered to be 'contaminated land'.

- 7.32 In this respect, Environmental Health has raised no objection to the principle of the development, recommending a condition in terms of contamination. A condition can be attached to any grant of consent in this respect. Environmental Health also recommends a condition restricting the construction times which is considered reasonable. However, given the nature of the development proposed and the coverage of these matters under other legislation it is not considered necessary to impose conditions requiring dust emission details or restricting the burning of waste materials on the site.
- 7.33 As such, subject to conditions the development is considered acceptable and policy compliant and no objection is raised on this basis.

Traffic and Transportation Issues

- 7.34 Policy DM15 of the Development Management Document states that *'Development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner...access to the proposed development and any traffic generated must not unreasonably harm the surroundings...'*
- 7.35 Paragraph 109 of the NPPF states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 7.36 This planning application has been submitted with a Transport Assessment which concludes that the results of the trip generation modelling demonstrates that the proposed development trips can be accommodated within Eastern Esplanade and will not have a negative impact on Eastern Esplanade and the impact of the car park will not be severe – which is the requirement of the NPPF, as outlined above.
- 7.37 No changes are proposed to the access. The existing access and egress are considered acceptable, providing good visibility in both directions and therefore do not harm highway safety.
- 7.38 The layout and design of the car park is acceptable. The highways team has commented that it is not considered that the application will have a detrimental impact on the highway or the surrounding areas and that the detailed information submitted with the application is robust.
- 7.39 The development is therefore acceptable and policy compliant in this regard and no objection is therefore raised on this basis.

Flood Risk and Drainage

- 7.40 Policy KP1 of Core Strategy states that all development proposals within flood risk zones “*shall be accompanied by a detailed flood risk assessment appropriate to the scale and the nature of the development and the risk*”. It is also noted that “*development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options.*”
- 7.41 Policy DS4 of the SCAAP requires development proposals located in flood zones to be ‘*accompanied by a flood risk assessment...locate more vulnerable uses in the areas of the proposal at least risk...achieve an appropriate degree of safety over the lifetime of the development...*’
- 7.42 Paragraph 155 of the NPPF states ‘*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be safe for its lifetime without increasing flood risk elsewhere.*’
- 7.43 Paragraph 158 of the NPPF states ‘*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.*’
- 7.44 Paragraph 159 of the NPPF states ‘*If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.*’
- 7.45 The Guidance contained within the Planning Practice Guide states ‘*The Sequential Test does not need to be applied for...applications for minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)*’
- 7.46 The site is located within Flood Zone 3a; the high probability flood zone, however, the proposed use is considered to constitute a less vulnerable use. In this respect, the Environment Agency’s Flood Risk Vulnerability Classification table identifies less vulnerable development as appropriate within flood zone 3a. The Environment Agency previously raised no objection to a similar proposal under reference 18/00634/BC3M on flood risk grounds and have not raised an objection to this proposal on flood risk grounds. The Environment Agency state they have no objection on flood risk grounds provided the local planning authority is satisfied that the sequential test is passed and the development would be safe for its lifetime. In this respect, the Environment Agency comment that long-term and residential car parking is unlikely to be acceptable in areas that regularly flood due to the risk of car owners being away from the area and being unable to move their cars when a flood occurs. The Environment Agency also commented that the site owner should be signed up to the public flood warning service and that signage should be installed and evacuation procedures should be in place.

- 7.47 The application has been submitted with a Flood Risk Assessment (FRA) which concludes that the sequential test does not need to be applied for changes of use and notes that whilst the site is located within Flood Zone 3a, the existing flood defences currently protect the area providing a standard of protection between 1 in 99 and 1 in 1000 years and the risk of flooding from other sources is low. The FRA also concludes that the development would not increase flood risk on the site or elsewhere and the site will remain safe for the lifetime of the development.
- 7.48 The FRA submitted also makes a commitment to sign up to the Environment Agency's Floodline Warning Direct Services, that the applicant will monitor the weather following advanced warnings from the Environment Agency of a storm approaching and will manage the operation of the car park such that the public are not put at risk in the event of the flood defences being breached. It is also noted that there is no proposal for nearby residents to use this car park with the car park locked from later evening onwards.
- 7.49 As such, given the findings and commitments within the FRA submitted and given the Environment Agency comments received, subject to a condition requiring the development to be undertaken in accordance with the approved FRA no objection is raised to the development in terms of Flood Risk. It is also noted that there was no objection raised previously in this respect under reference 18/00634/BC3M.
- 7.50 In terms of surface water management the FRA submitted indicates that the existing surface water system will continue to serve the application site. The report concludes that during an extreme rainfall event (in excess of the 1 in 100 year event plus climate change), the surface water drainage network capacity may become overwhelmed resulting in surface flooding and overland flows. The FRA therefore states that the operation and maintenance of the development's drainage infrastructure needs to be agreed with the key stakeholders.
- 7.51 The Council's SuDS Engineers have commented that additional information is required to satisfy planning requirements. The following information has been identified as being required; a drainage strategy, greenfield runoff rates, existing runoff rates during storm events, details of how the drainage satisfies the SuDS techniques in terms of water quality and attenuation and discharge quantity, clarification of overland flow routes, connection points and proposed method of flow control, SuDS clarification, a system of valuation, provision of drainage for large storm events, details of conveyance and exceedance flow routes, details of SuDS management and evidence of consent from Southend Council that they will be responsible for private surface water drains. Following the provision of such information, the SuDS Engineers indicate that planning conditions could be imposed requiring the applicant to provide evidence of infiltration testing, a method statement regarding the management of surface water runoff during the construction phase, evidence of consent from Anglian Water for the proposed discharge rate and connection location to the public sewer and details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development.
- 7.52 Given that temporary planning permission has already been granted to use the site as car park (reference 18/00634/BC3M), in this instance, it is considered that conditions can be imposed on any grant of consent requiring the above details to be submitted to and approved by the Local Planning Authority. Subject to such a condition the development is considered acceptable and policy compliant in this respect.

- 7.53 The Environment Agency has raised no objection to the proposal. Given the nature of the proposal which includes limited alterations to the site and given the temporary nature of the proposal no objection is raised to the scheme on flooding or drainage grounds, subject to conditions.

Community Infrastructure Levy (CIL)

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

8 Conclusion

- 8.1 Having regard to all material considerations it is considered that, subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The site already benefits from temporary planning permission to be used as a car park until 6th June 2023. There is no objection to the principle of the development, the design or impact on the character and appearance of the site or the wider surrounding area. The development would preserve the character and appearance of the nearby Conservation Area and would not materially harm the setting of the nearby listed buildings. The proposed would not materially harm residential amenity, is acceptable from a highways and transportation perspective and subject to conditions is acceptable in flood terms. This application is therefore recommended for approval, subject to conditions.

9 Recommendation

- 9.1 Members are recommended to GRANT TEMPORARY PLANNING PERMISSION subject to the following conditions:**

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

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

- 02 The permission hereby approved is for a temporary period of 5 years from the date of the permission only. After 5 years from the date of the granting of this permission, the use hereby approved shall cease.**

Reason: For the avoidance of doubt and in accordance with the National Planning Policy Framework (2019) and Policies KP1 and KP2 of the Core Strategy (2007).

- 03 The development hereby permitted shall be carried out in accordance with the following approved plans: MW192020 (Location Plan), MW,1920202 (Block Plan), MW,192020 Resurfacing Plan.**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

04 Before any vehicle parking permitted within the scope of this approval takes place, a strategy for implementation of the hardsurfacing works including timescales, phasing, any mitigation necessary and implementation of the recommendations set out in the strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to the following matters:

- Hard and soft landscaping
- Drainage infrastructure
- Contamination/remediation
- Car park management arrangements

The development shall be undertaken in accordance with the approved strategy in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of neighbouring occupiers, to ensure satisfactory drainage of the site, in accordance with National Planning Policy Framework (2019), Policies DM1, DM3, DM5 and DM14 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

05 The development hereby permitted shall not be carried out except in complete accordance with the approved Flood Risk Assessment undertaken by BdR, reference 18-0073 dated 28th February 2018, including the flood risk management recommendations on page 12 unless otherwise previously agreed in writing by the local planning authority.

Reason: To ensure the development is safe and to ensure compliance with the National Planning Policy Framework (2019) and Core Strategy (2007) Policies KP1 and KP2.

06 The development hereby permitted shall not be carried out except in complete accordance with the approved Geo-environmental Investigations undertaken by Ground and Environmental Services Limited, reference 11691-1 dated January 2018, including the recommendations outlined on pages 39-41 unless otherwise previously agreed in writing by the local planning authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14 and the advice contained within the Design and Townscape Guide (2009).

07 Prior to the installation of any geotextile membrane on the site, details of the material to be used, including full manufacturer's specifications shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details only and thereafter permanently retained as such in perpetuity.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to ensure compliance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM14 and the advice contained within the Design and Townscape Guide (2009).

- 08 Any external lighting installed shall be directed, sited and screened away from the adjoining and nearby residential properties and retained as such in perpetuity.**

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

- 09 The development hereby approved shall only be undertaken between 8am and 6pm Monday to Friday and 8am to 1pm Saturdays and at no other time whatsoever.**

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

- 10 No closed circuit television (CCTV) shall be installed until full details of the CCTV have been submitted to and approved in writing by the local planning authority. The CCTV shall be implemented in accordance with the approved details.**

Reason: In the interests of the visual amenity of the surrounding area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice within the Design and Townscape Guide (2009).

- 11 Rear access to Burnaby Road shall only be use in an emergency and at no other times whatsoever.**

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, within the Design and Townscape Guide (2009).

No coaches shall be parked within the application site with their engines left running.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, within the Design and Townscape Guide (2009).

Informatives:

- 01** You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 03** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.
- 04** If it is predicted that the construction works are likely to cause a nuisance the applicant should apply for a prior consent application under section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant should contact the Regulatory Services Team at Southend-on-Sea Borough Council for details.