

<b>Reference:</b>	19/02255/FULM	
<b>Application Type:</b>	Full Application Major	
<b>Ward:</b>	Victoria	
<b>Proposal:</b>	Demolish existing building, erect five storey building comprising 22 self-contained flats with balconies to all elevations, terrace to rear at ground floor level and layout parking at lower ground floor level	
<b>Address:</b>	245 Sutton Road, Southend-On-Sea, Essex	
<b>Applicant:</b>	Argent Developers	
<b>Agent:</b>	Mr Lewis Cullerton of DAP Architecture	
<b>Consultation Expiry:</b>	12th November 2020	
<b>Expiry Date:</b>	10th December 2020	
<b>Case Officer:</b>	Abbie Greenwood	
<b>Plan Nos:</b>	<p>Existing Plans</p> <p><b>2547-MS-001, 2547-MS-002, 2547-MS-003, 2547-MS-004</b></p> <p>Proposed Plans</p> <p><b>200.03, 201.03, 202.03, 203.04, 204.03, 205.03, 206.02, 001.02</b></p> <p>Supporting Documents</p> <p><b>Planning Statement by Phase 2 reference C19194 dated December 2019</b></p> <p><b>Design and Access Statement by DAP Architecture</b></p> <p><b>Transport Statement by Ardent Consulting Engineers reference 172880-01 dated December 2019</b></p> <p><b>Draft Recycling and Waste Management Strategy – by TPA reference 2001-052/TN/01</b></p> <p><b>Residential Travel Plan by Ardent Consulting Engineers reference 172880-03A dated Oct 2020</b></p> <p><b>Daylight, Sunlight and Overshadowing Result by Syntegra Consulting reference 20-6719 dated May 2020</b></p> <p><b>Financial Viability Appraisal and Schedule 1 by S106 Management dated 3<sup>rd</sup> April 2020</b></p> <p><b>Flood Risk and Surface Water Strategy by Ardent Consulting Engineers reference 172880-02 dated December 2019</b></p> <p><b>Sustainability and Energy Report by DAP Architecture</b></p>	

	<p><b>reference dapa_783_602.00</b></p> <p><b>Topographic Survey - DW2018-219</b></p> <p><b>Phase 1 Contamination Assessment, by MLM Consulting Engineers reference 775649-REP-ENV-001 dated 13 Oct 2017.</b></p> <p><b>Micro Drainage Calculation Sheet (Ardent Consulting Engineers, dated 17 June 2020)</b></p>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 Site and Surroundings**

- 1.1 The site is located on the western side of Sutton Road close to the junction with Greyhound Retail Park just before the road bends westwards. It is currently occupied by an industrial building which is used to manufacture kitchens. This building appears as a single storey building to the street but has a lower ground floor to the rear where the land levels significantly drop. The building and the neighbour to the north are the remainder of the industrial uses in this area. There is a shared vehicular access between the two buildings which leads to parking areas at the rear. This route slopes down to the lower ground level. There is also customer parking on the forecourt facing Sutton Road.
- 1.2 The remainder of the industrial sites in this area have gradually been converted to residential flats. The closest of these is Southpoint just around the bend to the north west which spans a significant distance along Sutton Road and ranges from 3 to 5 storeys in height. There are similar flatted schemes further along Sutton Road to the north. These developments are transforming the character of Sutton Road from a former employment area to a new residential-led community.
- 1.3 To the south and rear the site is bounded by the Greyhound Retail Park. KFC is adjacent to the site but is accessed from the west side at a lower ground level. This building therefore has limited visibility from Sutton Road. To the rear is the retail car park and Matalan retail store. This area has a landscape buffer along its north and east edges which provides some softening to the parking area. The landscape buffer to the east side of the car park is adjacent to the site but sits outside the site. This provides a positive boundary between the site and the retail park.
- 1.4 The wider area is mainly residential in character and of a more domestic scale. A short distance to the south is the Sutton Road local retail centre which has the character of a traditional local shopping street.
- 1.5 The site is within walking distance of Southend Town Centre and has good access to public transport including bus and rail routes.
- 1.6 The site falls within the Sutton Gateway Neighbourhood Area as designated in the Southend Central Area Action Plan (SCAPP) and forms part of opportunity site PA9.1 which seeks the redevelopment of the former industrial buildings to high quality housing and community facilities.

## **2 The Proposal**

- 2.1 The proposal seeks to demolish the existing industrial building and erect a five storey building (4 storeys and a lower ground floor level) comprising 22 self-contained flats with a terrace to the rear at ground floor level and parking at lower ground floor level.
- 2.2 The building measures 30.1m wide, reducing to 27.8m at the top level and 20.7m deep (including projecting elements) reducing to 15.3m at the top level. It appears as 4 storeys to Sutton Road to the east side with a maximum height of 12.3m and 5 storeys to the rear retail park on the west side with a height of 14.6m. The proposed building is residential comprising 3 x 1 bed 2 person units, 8 x 2 bed 3 person units, 9 x 2 bed 4 person units and 2 x 3 bed 5 person units.

Two of the one bed units are wheelchair accessible. 22 parking spaces are proposed to the lower ground floor including 2 disabled parking spaces.

- 2.3 All units have a private balcony or terrace of at least 6sqm. The scheme also has a communal amenity deck above the parking area to the rear which measures approximately 195 sqm.

### **3 Relevant Planning History**

- 3.1 01/00716/FUL - Erect detached garage at rear – granted
- 3.2 94/0151 - Raise ground level to form forecourt lay out parking spaces and vehicular accesses and install new roller shutter door to front elevation. – granted
- 3.3 94/0273 - Use warehouse (class b8) for the manufacture of kitchen furniture (class B2) – granted

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 87 neighbouring properties were consulted a site notice displayed and a press notice published. 3 letters of representation have been received raising the following summarised issues:

- Impact on neighbour amenity
- Loss of light and sunlight to neighbouring properties
- Impact on privacy
- Lack of parking
- Lack of consultation
- 5 storeys is too tall
- Impact on busy junction

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

#### **Strategic Planning Policy**

- 4.2 The proposal falls within SCAAP opportunity site PA9.1 which supports the redevelopment of the site for residential uses. There is therefore no requirement to justify the loss of employment land in this location.

#### **Highways Team**

- 4.3 22 car parking spaces have been provided which is policy compliant. Access to the parking spaces is made via an existing vehicle crossover and access way. The internal layout of the parking area ensures that vehicles can manoeuvre effectively. The applicant should ensure that the private access way is kept should the application be approved as this could restrict the entrance and exit to the site and subsequently have an impact on the free flow of traffic on Sutton Road.

The applicant has provided a robust transport statement and residential travel plan to support the application.

Consideration has been given to the previous use of the site which generated a considerable number of vehicle movements as a commercial premises open to the public.

It is not considered that the proposal will have a detrimental impact upon the public highway in the local area, the site is also in a sustainable location with regard to public transport with good links in close proximity. The application has also provided compliant secure cycle parking.

Given the information provided within the application there are no highway objections to this proposal.

The applicant will be required to reinstate the existing vehicle crossovers at the front of the site back to a footway. These works will have to be carried out under the appropriate highway license or via the Council's contractor.

### **Education**

- 4.4 This address falls under the catchment area for Bournemouth Park Primary School and Cecil Jones Academy and we have a surplus of places at these schools. We therefore do not require places in this area and would not be requesting a S106 contribution.

### **Housing**

- 4.5 In order to comply with Core Strategy Policy CP8 five affordable housing units should be provided (2 x 1 bed, 2 x 2 bed and 1 x 3 bed). Three of these units should be affordable rent and two should be shared ownership.

### **Environmental Health**

- 4.6 No objections in terms of waste management, daylight and sunlight impact on neighbouring properties or contamination subject to the following conditions.
- Construction hours
  - Waste management plan to be agreed
  - Contamination - Phase II Assessment and Remediation Strategy required.

### **Parks Team**

- 4.7 Full landscaping details, including measures to support biodiversity should be conditioned.

### **Sustainable Travel Officer**

- 4.8 No objections to the proposed draft Travel Plan.

## **Drainage Engineer**

- 4.9 No objections subject to a condition requiring full details of the proposed drainage layout, final drainage calculations and flow rates, management plan for surface water drainage and suds maintenance plan.

## **Anglian Water**

- 4.10 No objections subject to the following conditions:
- The agreement of a scheme of on-site foul water drainage works
  - The agreement of a surface water management strategy

## **Essex Fire Service**

- 4.11 The plans supplied provide insufficient detail to comment on access for Fire Service Appliances, other than for general access to the site, and it is therefore not possible to fully confirm compliance at this time. However, more detailed observations on access and facilities for the Fire Service will be considered on submission of suitable plans at Building Regulation consultation stage, this will require that access is in accordance with A. D. "B" Section 16.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 National Planning Policy Guidance
- 5.3 National Design Guide (2019)
- 5.4 Core Strategy (2007) Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy KP3 (Implementation and Resources), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP6 (Community Infrastructure), Policy CP8 (Dwelling Provision)
- 5.5 Development Management Document (2015) Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM7 (Dwelling Mix, Size and Type), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).
- 5.6 Southend and Central Area Action Plan (SCAAP) (2018) Policy PA9 (Sutton Gateway Neighbourhood Policy Area Development Principles)
- 5.7 Design & Townscape Guide (2009)
- 5.8 Vehicle Crossing Policy & Application Guidance (2014)
- 5.9 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.10 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

## 6 Planning Considerations

- 6.1 The main considerations in relation to this proposal are the principle of the development including housing mix and the provision of affordable housing; design and impact on the character of the area; standard of accommodation for future occupiers; impact on the amenity of neighbouring buildings; traffic generation; access and parking implications; sustainable construction including the provision of on-site renewable energy sources; CIL (Community Infrastructure Levy), RAMS and developer contributions.

## 7 Appraisal

### Principle of Development

#### *Residential Use*

- 7.1 The provision of new high quality housing is a key Government objective.
- 7.2 The Core Strategy Policy KP1 confirms that the primary focus of regeneration and growth within Southend is in Southend Town Centre and the Central Area. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located.
- 7.3 The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre to guide future development decisions. The application site is brownfield land within the Sutton Road Gateway Neighbourhood and is located within opportunity site PA9.1. Policy PA9 of the SCAAP sets out the principles for development in the Victoria Gateway Neighbourhood Policy Area. In relation to this opportunity site PA9.1 it states:

*‘the Council will support the redevelopment of this area for high quality housing and community facilities. The Council will require the building design, form and massing to:*

- a. have regard to residential buildings bordering the Opportunity Site and contribute positively to repairing the street scene and urban grain in this area;*
- b. include enhancements to the public realm to create a coordinated, sustainable palette of materials and furniture in accordance with the Streetscape Manual.’*

- 7.4 The site is currently in employment use. Applications that involve the loss of employment land across the Borough are usually required to provide evidence that the employment use is no longer viable, however, in this case SCAAP policy PA9 confirms that the Council will look favourably on high quality residential developments that will help to transform the Sutton Road area in to a new residential-led community. The Strategic Planning Policy Team has confirmed that the intention of the development plan is to allow redevelopment of this site for residential purposes there is no requirement to justify the loss of employment in this instance. The principle of a residential scheme is therefore considered to be acceptable.

#### *Accommodation Mix*

- 7.5 Policy DM7 states that the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes. The Policy sets out the desired mix of dwellings types and sizes in all new major residential development proposals.

This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The desired mix for major schemes is as follows:

#### Preferred Private Market Dwelling Mix

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	9%	22%	49%	20%

- 7.6 Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council. The policy also states that *'the Council will look favourably upon the provision of family size housing on smaller sites, particularly where the surrounding building types provide an appropriate context for this type of development to be included within a scheme.'*
- 7.7 The proposal would provide 22 units in total comprising 3 x 1 bed 2 person units (14% 1 beds), 8 x 2 bed 3 person units and 9 x 2 bed 4 person units (78% 2 beds) and 2 x 3 bed 5 person units (9% 3 beds). Whilst this does not fully comply with the policy mix noted above it is acknowledged that the proposal provides a good mix of units including a large proportion of 4 and 5 person flats (50%). Given the form of the development and its location on the edge of the town centre, this mix is considered to be acceptable.

#### *Affordable Housing Provision*

- 7.8 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10-49 dwellings.
- 7.9 A viability statement has been submitted with the application which concludes that the scheme cannot viably provide any on or off-site contributions towards affordable housing. The Council has had this document independently reviewed which similarly concludes that the scheme cannot support any affordable housing contribution. The independent review of the viability assessment states that having reviewed the benchmark land value, the build costs, the projected sales values and a developer profit of 17.5% the scheme would have a projected deficit of £17,880. The independent appraisal therefore concludes that the scheme cannot support the provision of affordable housing.
- 7.10 In some instances, where it has been clearly identified that a site cannot support any affordable housing contributions, officers will recommend a review mechanism. However, in this case, as the Council does not have a specific planning policy requiring a review mechanism be imposed, taking into account the findings of recent appeal decisions, including at 10 Fairfax Drive (reference 17/01115/FULM) and given the scale of the development which would not require phased development or a protracted length of time to complete the development, such a review mechanism is not considered reasonable or appropriate in this instance.
- 7.11 The absence of affordable housing can therefore be considered to be justified and the proposal is acceptable and policy compliant in this regard.

- 7.12 Overall, therefore, it is considered that the principle of this type and mix of development in this location is consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

### **Design and Impact on the Character of the Area**

- 7.13 *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.’*
- 7.14 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.*”
- 7.15 Policy DM3 seeks to support development that is well designed and that looks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 7.16 The site is located at the entrance to Greyhound Retail Park on the west side of Sutton Road. It is at the southern end of SCAAP opportunity site PA9.1 which seeks to promote the residential-led regeneration of the outdated industrial buildings to create additional high quality housing for the Borough. The new development in this area is gradually transforming the streetscene of Sutton Road into a more vibrant edge of town centre community.
- 7.17 The application site is exposed on all sides due to the change in land levels of the retail park and the bend in the road. As such it will be prominent in the streetscene and serve as a marker for the new housing area. It is therefore important that a high quality development is achieved.
- 7.18 The proposal seeks to construct a 4 storey apartment block on the site. The scale and form of the proposal broadly follows the approach which has been taken on other sites within this opportunity site to the north and is considered to be an acceptable for the site.
- 7.19 The new building is a flat roofed design which spans the width of the site. The design has utilised the change in ground levels to the rear to accommodate a hidden undercroft parking area at lower ground floor. The top floor has been recessed from all sides and the materials changed from brick to grey cladding to help to break the mass of the building in the streetscene into two distinct horizontal elements. The massing is also broken in to vertical planes by a series of projecting bays to the front and rear elevations.
- 7.20 The detailed design has been refined during the course of the application to enliven the frontages and ensure that the building makes a positive contribution to the streetscene. The window and balconies have been enlarged to provide better amination to the frontages and the elevations further articulated by introducing areas of recessed brickwork. This detail has helped to break up the areas of blank brickwork within the elevations, particularly at the corners and on the exposed flank elevations, and to regularise the proportions of the fenestration without the design appearing too uniform.

- 7.21 The detailing of the top floor has also been refined including additional fenestration to the flanks and an improved roof design. Overall, it is considered that these elements combined will ensure that the proposal does not appear too bulky in relation to the wider context and that it makes a positive contribution to the streetscene and wider regeneration of this area.
- 7.22 The building will be complimented by the planted frontage, which will soften the building and introduce additional greenery to the street. It is also proposed to respect the landscape buffer just outside the west boundary which will ensure that the building appropriately integrates into the rear car park scene.
- 7.23 Overall, therefore, subject to the agreement of external materials and landscaping, the design of the proposal is considered to be acceptable and the proposal is policy compliant in respect of design and character matters including the objectives of SCAAP Policy PA9.

### **Standard of Accommodation**

- 7.24 Delivering high quality homes is a key objective of the NPPF.
- 7.25 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *“Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents”*.

#### *Space Standards and Quality of Habitable Rooms.*

- 7.26 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes. The standards are as follows:
- Minimum property size for residential units shall be as follow:
    - 1-bedroom (2 bed spaces) 50sqm
    - 2-bedroom (3 bed spaces) 61sqm
    - 2-bedroom (4 bed spaces) 70sqm
    - 3-bedroom (4 bed spaces) 74sqm
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- 7.27 The following is also prescribed:
- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
  - Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.

- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home.
- Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

7.28 All of the proposed flats exceed the minimum sizes required by the technical space standards. All of the bedrooms accord with the minimum sizes required with the exception of 1 single bedroom in plot 20, a 3-bed unit, which is around 5cm too narrow. This is considered to be within acceptable tolerances for the development as a whole. The proposal is acceptable and policy compliant in this regard.

#### *Daylight and Sunlight for Future Occupiers*

7.29 All the habitable rooms would have good light and outlook. The proposal is acceptable and policy compliant in this regard.

#### *Accessibility - M4(2) and M4(3)*

7.30 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards with 10% of dwellings in major developments being suitable for wheelchairs and meeting M4(3) standards.

7.31 The agent has confirmed that all units will meet M4(2) standards and that units 19 and 22 are wheelchair accessible units and will meet M4(3). All flats have access to a lift and there is an accessible ramp on the forecourt which provides access to the front entrance which is slightly raised above street level. There are 2 disabled parking bays at lower ground floor adjacent to the lower ground floor entrance. The internal circulation areas and entrance doors are at least 1200mm wide and the entrance is well illuminated and protected. The proposal therefore meets the accessibility requirements and is policy compliant in this regard. These requirements can be secured by condition.

#### *Amenity Provision*

7.32 All units have access to a private terrace of at least 6sqm and there is also a shared communal deck to the rear of approximately 195sqm. Subject to appropriate landscaping this will provide adequate amenity space for residents and the proposal is accessible and policy compliant in this regard.

7.33 Overall, it is considered that, subject to conditions, the proposal would provide an acceptable standard of accommodation for future occupiers and is policy compliant in this regard.

## **Impact on Residential Amenity**

- 7.34 Policy DM1 of the Development Management Document states that development should, *“protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.”*

### *Daylight and Sunlight*

- 7.35 A daylight and sunlight study has been submitted with the application. This concludes that the proposal will have a negligible impact on the daylight to neighbouring residential properties. The proposal will have a moderately adverse impact on daylight to one side window and a minor adverse impact to 3 further side windows at number 247 Sutton Road adjacent to the north, however, this is a commercial unit so this impact is considered to be acceptable. The proposal would also have a minor adverse impact on one window on the side elevation of KFC to the south which is set at a lower land level. As a restaurant/take away unit this impact is also considered to be reasonable. The study also confirms that the proposal will have a negligible impact on sunlight to all surrounding properties and a negligible impact on overshadowing of all neighbouring development.
- 7.36 The Council’s Environmental Health Officer has not raised any objections to the results of this study. It is therefore considered that the proposal would have an acceptable impact on daylight and sunlight and in terms of overshadowing of the surrounding neighbours and the proposal is policy compliant in this regard.

### *Privacy*

- 7.37 The proposed development has habitable room windows on all sides. The proposal faces the street to the east, the retail park to the south and west and a vehicular access and flank wall of a commercial building to the north. It is also noted that the side windows are generally small scale and serve either non habitable rooms, are not the primary outlook or serve the single bedrooms. Overall, it is considered that the proposal will have an acceptable impact on the privacy of surrounding occupiers.

### *Impact on Outlook*

- 7.38 The proposal seeks to erect a flatted development which will be 4 storeys to the street frontage. This is a similar scale to other developments which have relatively recently been erected along Sutton Road and is a reasonable scale for this location. It is considered that the development would have an acceptable impact on the outlook of neighbouring properties including the more domestically scaled residential units opposite the site.
- 7.39 Overall, the proposal is considered to have an acceptable impact on the amenities of neighbouring occupiers and the proposal is policy compliant in this regard.

## Traffic and Transportation Issues

### *Traffic*

- 7.40 Policy DM15 states that development will be supported 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.
- 7.41 The site is in an accessible location, close to local amenities and within walking distance of Southend Town Centre and various forms of public transport.
- 7.42 A Transport Statement and Draft Travel Plan have been submitted with the application. The Transport Statement predicts that *'there will be an increase of just 1 two – way vehicle movements in the AM and PM peak hours resulting from the 22 dwellings. This is well below the +30 movements 'starting point for discussions' set out in the DfT/DCLG Transport Assessment Guidance therefore the development traffic impact is immaterial.'*
- 7.43 The draft Travel Plan sets out proposals to encourage new residents to use public transport including travel initiatives, targets and monitoring and review mechanisms.
- 7.44 The Council's Highways Officer has reviewed the submitted documentation and considered them to be robust. He also comments that the proposal is likely to generate less vehicle movements than the existing commercial use on the site. The Council's Sustainable Travel Officer has confirmed that the draft Travel Plan is acceptable.
- 7.45 It is therefore considered that the proposal would have an acceptable impact on traffic generation in the area and is policy compliant in this regard.

### *Parking including Cycle Parking*

- 7.46 Development Management Document Policy DM15 requires a minimum of 1 off street parking space and 1 secure cycle space for each flat. 22 parking spaces, including 2 disabled spaces, are proposed in the lower ground parking area to serve the 22 flats including 2 wheelchair accessible units. The spaces will be accessed from an existing vehicular access leading from Sutton Road to the north side of the building which ramps down to the lower ground level. A secure cycle store for 22 bikes is also proposed in this area.
- 7.47 The Council's Highways Officer has not raised any concerns to the layout of the parking area. The proposal is therefore acceptable and policy compliant subject to conditions securing the provision of car parking and cycle parking for the lifetime of the development.

### *Waste and Recycling*

- 7.48 A waste and recycle store for the units is proposed within the building adjacent to the front pedestrian entrance. The store has direct access to the ramp in this location. It is a good size and should be sufficient to meet the requirements of the Council's Waste Management Guidelines.

- 7.49 A Waste Management Plan has been submitted with the application but this has not been updated following revisions to the location of the waste store which was initially proposed a lower ground level accessed via a bin lift. It is considered, however, that an updated waste management plan can be secured by condition. Subject to this condition, the proposal is considered to be acceptable and policy compliant in this regard.
- 7.50 Overall, subject to the above conditions, it is considered that the proposal would have an acceptable impact on traffic and transportation and the proposal is policy compliant in this regard.

### **Sustainable Development**

- 7.51 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).* Policy DM2 of the Development Management Document states that *“to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”.* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.52 A sustainability and energy report has been submitted with the application. This confirms that it is the intention to provide the 10% renewable energy from PV panels on the roof. This is acceptable in principle and full details can be secured via condition. The document also proposes the use of water efficient fitting and appliances to limit the water consumption to no more than 105 litres / person / day and this can also be conditioned. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in this regard.

### *Drainage*

- 7.53 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.54 The site is located within flood zone 1, low risk, so is suitable for residential development. A flood risk assessment and drainage strategy has been submitted with the application. This proposes an attenuation tank is installed under the lower ground parking area in order slow the rate of flow of surface water into the existing sewer system. The Council’s Drainage Engineer and Anglian Water have raised no objections to the proposed drainage in principle but have requested further details be conditioned and agreed prior to the installation of any drainage works. Subject to this condition the proposal is considered to be acceptable and policy compliant in this respect.

### *Contamination*

- 7.55 As the site has been in industrial use a Phase I Contamination Assessment has been submitted with the application. This states that the site was originally part of a brickworks, then allotments and most recently used as a joiner’s workshop constructing kitchens. The adjacent site has been used as an MOT testing station. The geology of the area also reveals that the site is directly underlain by river terrace deposits.

The desk study considers that the potential sources of contamination are:

- Made ground associated with previous construction (on site)
- Warehouse/joinery (on site)
- Former brickworks (on site)
- Worked ground and potentially infilled ground (on site)
- Infilled pond (north-west)
- MOT garage (north)

7.56 The report recommends that a further intrusive investigation is undertaken to assess ground conditions, potential contamination risks and the presence of soil/or gas/organic vapour contamination. It also states that an asbestos survey will be required for any buildings that are to be demolished although it is noted that this is covered by separate legislation to planning. The Council's Environmental Health Officer agrees that a more detailed assessment of potential contamination at the site is warranted to establish whether any remediation is required prior to the construction of the new building. This can be secured by condition. Subject to this condition the proposal is considered to be acceptable and policy compliant in the above regards.

### **Impact on Trees**

7.57 There are no trees on site however the trees and hedge to the rear of the site which surrounds the Retail Park play an important function in softening the car park in this location and screening the rear of the buildings where there is a significant change in levels. The proposed development has a parking area and amenity deck to the rear. The design has been amended during the course of the application to pull back the built form from this boundary so that this landscape feature can be retained and can continue to provide softening and amenity screening for the new development. The trees in this location will be visible and contribute to the greening of the amenity deck and this is a positive element of the scheme.

7.58 The site plan also shows new tree planting on the front of the site, but no details have been provided. These will enhance the streetscene and setting of the building to Sutton Road which has limited street planting. Details can be agreed as part of the landscaping condition. The proposal is therefore considered to have an acceptable impact on trees and is policy compliant in this regard.

### **Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)**

7.59 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), which was adopted by Full Council on 29th October 2020, requires that a tariff of £125.58 (index linked) is paid per dwelling unit.

This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. Subject to the confirmation of this payment, which can be secured via a S106 legal agreement or by other suitable means, the proposal is considered to be acceptable and policy compliant in this regard.

- 7.60 Overall, the ecological implications of the site can be considered acceptable and policy compliant subject to the RAMS contribution which can be secured with a S106 legal agreement or by other suitable means.

### **Community Infrastructure Levy (CIL) and Development Contributions**

#### *CIL*

- 7.61 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 2420.2sqm (including undercroft parking area), which may equate to a CIL charge of approximately £59,201.82 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

#### *Planning Obligations*

- 7.62 As noted above the independent review of the submitted viability appraisal confirmed that the proposal is unable to support the provision of affordable housing. The Councils Education Team has also confirmed that there is no requirement for a contribution to secondary education because the catchment school, Cecil Jones Academy, has a surplus of places. There are no changes proposed to the existing highways network so no highways contributions are required. A draft Travel Plan has been submitted and will need to be finalised, however, this can be done in either a S106 or by condition. The only other item which could be included in a legal agreement is the RAMS payment. As noted above the developer has the option of a direct payment prior to the decision being issued or they can choose to complete the standard RAMS S106 template. There is therefore no requirement for a wider S106 to be undertaken in this instance. Subject to the RAMS payment, the proposal is considered to be acceptable and policy compliant in terms of Planning Obligations.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the change of use and housing mix is consistent with policy and the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

### **9.1 MEMBERS ARE RECOMMENDED TO:**

- (a) **DELEGATE** to the Interim Director of Planning or Group Manager of Planning & Building Control to **GRANT PLANNING PERMISSION** subject to the following conditions following the completion of a **PLANNING AGREEMENT UNDER SECTION 106** of the Town and Country Planning Act 1990 (as amended) and any other appropriate legislation to secure the provision of
- a financial contribution of £2,762.76 (index linked) to mitigate the potential for disturbance to European designated sites in accordance with the Essex Coast Recreational disturbance Avoidance Mitigation Strategy or the securing of this same payment by other suitable means
- (b) The Interim Director of Planning or the Group Manager (Planning & Building Control) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and, where it is used, the obligation when executed, accords with the details set out in the report submitted and the conditions listed below:

**01 The development hereby permitted shall begin not later than three years of the date of this decision**

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

**02 The development hereby permitted shall be carried out in accordance with the following approved plans 200.03, 201.03, 202.03, 203.04, 204.03, 205.03, 206.02, 001.02**

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

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full product details of the materials to be used on all the external elevations, including walls, roof, windows and doors, balconies and terraces, ramp, brise soleil, rainwater goods and boundaries have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details before it is brought into use.**

**Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).**

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition of the existing building shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not limited to: -**

- i) Proposed finished site levels or contours;**
- ii) Means of enclosure, of the site including any gates or boundary fencing;**
- iii) hard surfacing materials;**
- iv) Full details of the amenity deck including associated structures (e.g. benches, planters, lighting etc.);**
- v) Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.**
- vi) Full details of tree protection fencing to protect the existing trees to be retained adjacent to the rear boundary of the site.**
- vii) Details of measures to enhance biodiversity within the site.**

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

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

**05 The 22 car parking spaces (including 2 disabled spaces) shown on approved plan 202.03 shall be provided and made available for use at the site prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.**

**Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).**

**06 The development shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use by the occupiers in full accordance with the details shown on approved drawing number 201.03. The refuse and recycling facilities shall be permanently retained as such thereafter.**

**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 (2007) and Policy DM15 of the Development Management Document (2015).

**07** Prior to the first occupation of the dwellings hereby approved an updated waste management plan shall be submitted to and approved by the local planning authority. The development shall only be implemented in accordance with the approved details from first occupation for the proposed use and be maintained as such in perpetuity.

**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 conservation area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM5 and DM15 of the Development Management Document (2015).

**08** The development shall not be occupied or brought into use until the cycle storage facilities are provided in full and made available for use by the occupiers in accordance with the details shown on drawing number 202.03. The cycle storage facilities shall be permanently retained as such thereafter.

**Reason:** To ensure the provision of adequate cycle parking in accordance with policies DM8 and DM15 of The Development Management Document (2015).

**09** Prior to the first occupation of any dwelling, details of the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of occupation.

**Reason:** In the interests of sustainability in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

**10** The development hereby approved shall be carried out in a manner to ensure that a minimum of two of the dwellings comply with building regulations M4(3) 'wheelchair user dwellings' and the remaining 20 dwellings comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

**Reason:** To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and the advice contained in the Southend Design and Townscape Guide (2009).

**11 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the dwellings hereby approved. This provision shall be made for the lifetime of the development.**

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide(2009).**

**12 Prior to occupation of the dwellings hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained in perpetuity.**

**Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Southend Design and Townscape Guide (2009).**

**13 With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless the following details have been submitted to and approved in writing by the local Planning Authority.**

- i) An instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify the risks identified by the Phase 1 Site Investigation. The investigation must be undertaken in accordance with the scope of work outlined in the Phase 1 Contamination Assessment, by MLM Consulting Engineers reference 775649-REP-ENV-001 dated 13 Oct 2017. The Phase II report must be submitted to the Local planning authority for approval. The assessment must be undertaken by a competent person in accordance with British Standards 10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA ‘Model Procedures for the Management of Land Contamination.**
- ii) Where the Phase II Investigation Report identifies any unacceptable risk or risks, a detailed Site Remediation Strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the local planning authority. With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless this Site Remediation Strategy has been approved in writing by the local planning authority.**
- iii) The site shall be remediated in accordance with the approved Site**

**Remediation Strategy before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to and agreed in writing by the local planning authority before completion of the development or occupation of the premises (whichever comes first).**

- iv) If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority**

**The remediation of the site shall incorporate the approved remediation measures and shall be carried out in full before the building is occupied.**

**Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).**

**14 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, and in accordance with the Flood Risk and Surface Water Strategy by Ardent Consulting Engineers reference 172880-02 dated December 2019, the development hereby permitted shall not be commenced other than for demolition works unless and until a detailed design of a surface water drainage scheme and surface water management strategy has been submitted to and approved in writing by the local planning authority. The details submitted shall include, but not limited to: -**

- i) An updated drainage layout plan confirming the manholes, downstream defender and hydro-brake flow control device cover and invert levels if a rising main is required to achieve the proposed connection point to the Anglian Water surface water sewer. Engineering plans should be updated accordingly along with supporting surface water calculations provided for each of the SuDS and critical drainage elements, including the flow control features, connection and discharge rates.**
- ii) Calculations to demonstrate the hydraulic performance of the entire pipe network, including the proposed pipe network, for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change.**
- iii) An indication of exceedance overland flow routes, including provision for failure of a pump, should it be required.**
- iv) Provide a method statement regarding the management of surface water runoff during the construction phase of the project.**
- v) Evidence of consent from Anglian Water for the proposed discharge rate and connection location to the public sewer.**
- vi) surface water management strategy including evidence to demonstrate that the surface water hierarchy has been followed as stipulated in Building Regulations Part H.**
- vii) A maintenance plan for the SuDS and corresponding drainage infrastructure with details on the accessibility of the SuDS for future maintenance, and for a pump, should it be required.**

**The drainage strategy and SuDS design statement must be implemented in full accordance with the details approved under this condition before the development hereby approved is first occupied or brought into first use.**

**Reason:** To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3 and Development Management Document (2015) Policies DM6 and DM14.

**15 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully 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 including measures to ensure the retention of trees to the rear of the site**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**

**Reason:** This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

**16 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.**

**Reason:** In the interests of visual amenity and the amenities of neighbours and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- (c) In the event that the planning obligation or other means of securing the financial contribution referred to in part (a) above has not been completed by 10<sup>th</sup> December 2020 or an extension of this time as may be agreed, the Interim Director of Planning or Group Manager Planning & Building Control be authorised to refuse planning permission for the application on the grounds that the development would not provide adequate mitigation for the potential disturbance to European designated site, contrary to the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2 and Development Management Document (2015) Policy DM2.**

**Informatives:**

**01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).**

**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 advised that the appropriate highways licences should be obtained prior to the commencement of the development.**

**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.**