

Reference:	21/01643/FULM	
Application Type:	Full Application Major	
Ward:	Victoria	
Proposal:	Convert part of ground floor, first floor and second floor to self-storage facility (Class B8) including up to 120 sqm flexible floorspace (Use Classes B8 and E), retain 25 car parking spaces and service access to rear, erect 3 storey building to rear of existing car park comprising 17 residential units (Class C3) with associated parking for 14 cars with access onto Guildford Road, cycle parking, hard and soft landscaping and amenity provision	
Address:	53 - 57 Sutton Road, Southend-on-sea, Essex	
Applicant:	Mr Tom Hesp	
Agent:	Miss Nour Sinno of HTA Design LLP	
Consultation Expiry:	30th September 2021	
Expiry Date:	14th February 2022	
Case Officer:	Robert Lilburn	
Plan Nos:	9011 – P01 P2, 9011 / P22 P2, 9011 / P10 P1, 9011 / P41 P1, 9011 / P20 P1, 9011 / P23, 9011 / P30 P2, 9011 / P31 P1, 9011 / P21, 9011 / P24 P1, 9011 / P32 P1, 9011 / P40 P2	
Supporting Documents:	<p>Planning Statement by HTA August 2021</p> <p>Heritage Statement by Jones Lang LaSalle August 2021</p> <p>Design and Access Statement by LAP</p> <p>Transport Statement by Calibro 08-07-2021</p> <p>Statement of Community Involvement by becg July 2021</p> <p>Contaminated Land Phase 1 Assessment by Aval Consulting Group August 2021</p> <p>Sustainability Statement by Aval Consulting Group August 2021</p> <p>Ecological Statement by Aval Consulting Group September 2021</p> <p>Preliminary Roost Assessment Survey by Aval Consulting Group August 2021</p> <p>Energy Strategy by Aval Consulting Group September 2021</p>	

	<p>Recycling And Waste Management Strategy by Calibro 26-08-2021</p> <p>Sustainable Drainage Assessment 2021-08-05</p> <p>Flood Risk Assessment 2021-08-05</p> <p>Noise Impact Assessment by Aval Consulting Group August 2021</p> <p>Sunlight and Daylight Assessment by Aval Consulting Group 7th July 2021</p> <p>Air Quality Assessment by Aval Consulting Group August 2021</p> <p>Economic Viability Appraisal Report by ULL dated June 2021</p>
<p>Recommendation:</p>	<p>Members are recommended to DELEGATE to the Director of Planning or the Head of Planning & Building Control to GRANT PLANNING PERMISSION subject to CONDITIONS following the completion of a LEGAL AGREEMENT under section 106 of the Town and Country Planning Act 1990 (as amended)</p>



1 Site and Surroundings

- 1.1 The application relates to the three-storey 'Co-op' building and associated rear surface car park situated at the junction of Sutton Road and Guildford Road. The site is located within the Southend Central Area. The building frontage is locally listed. The building comprises a retail store across part of the ground floor but is otherwise vacant. It is finished externally in stock brick with decorative stone, with a lower quality painted finish to the west elevation. The submitted plan indicates that the car park comprises some 54 demarcated spaces.
- 1.2 The surroundings are mixed in character. Along Sutton Road are mainly commercial properties, some with residential flats above. The wider area to the east and west is residential, comprising mainly terraced and semi-detached housing and small flatted blocks. Large multi-storey apartment buildings are situated in close proximity.
- 1.3 The site is identified as Opportunity Site PA9.2 within the Southend Central Area Action Plan (SCAAP). It is within close proximity to, but does not adjoin, the boundary of the 'Better Queensway' development area approved in application 20/01479/FULM. The site is situated on a secondary shopping frontage and alongside a Key Public Realm Improvement Area as identified on the policies map of the SCAAP. The site is within Flood Zone 1.

2 The Proposal

- 2.1 In summary the application proposes a change of use of the upper floors and part ground floor of the existing building to self-storage (Use Class B8) and a smaller flexible space of Use Class E or Use Class B8, together with re-development of the western portion of the car park to provide 17 self-contained flats within a three-storey building.

- 2.2 The self-storage facility would comprise some 3110sqm across three floors and would be accessed from both the west (car park) side of the building and the principal street-facing elevation at Sutton Road. The flexible space is demarcated at ground floor, with access from the principal Sutton Road elevation, and would measure some 119sqm. The existing retail unit would not be modified externally.
- 2.3 Associated elevation alterations on other elements of the existing building, excluding the existing retail unit, would include re-forming door and window openings to the principal elevation and reconfiguring the more functional west elevation with doors and a roller shutter entrance. Two functional single-storey rear projections would be demolished. External finishes to the existing building are proposed as:
- painted steel thin section windows to match existing if refurbishment of existing is not possible;
 - dark grey double glazed doors with fascia panel;
 - brick and stone to be cleaned;
 - rear wall to be made good with matching materials and paint;
 - roller shutter personnel door to rear.
- 2.4 Some soft landscaping is indicated to the car park area and the street frontage.
- 2.5 Car parking and servicing access to the self-storage facility would be provided through two new vehicular accesses from Guildford Road. 10 car parking spaces including accessible units are indicated for the self-storage facility. This area would also provide car parking and servicing access for the retail store to be retained. 15 car parking spaces are indicated for the retail store. Two loading bays would be provided.
- 2.6 The application does not propose changes to the opening hours of the long-established retail store. Hours of opening for the proposed self-storage facility have been specified as 24-hours a day, 7 days a week. The flexible ground floor unit is proposed to operate 7am to 10pm daily, or 24/7 as a B8 use.
- 2.7 A three-storey residential building would be constructed at the west end of the site, occupying some 50% of the existing car park area. The building would comprise 17 self-contained flats. The building would measure some 33m in width along the street, some 12m in height to roof ridge levels and some 18m in maximum depth.
- 2.8 Access would be taken from the existing car park access to Guildford Road, through an undercroft below the flats. 14 car parking spaces would be provided including accessible spaces. Some soft landscaping including ground floor amenity space is indicated to the car park area and the street frontage. Amenity space would be provided through balconies, and ground floor exterior spaces for Flats 2, 3 and 5.
- 2.9 External finishes to the apartment building are proposed as:
- facing buff brick with profile feature brick and detailing;
 - aluminium windows;
 - metal balconies and gates.
- 2.10 The floor space and accommodation configuration of the proposed flats are shown in **Table 1** below:

Table 1: Schedule of accommodation

Floor	Plot No.	Tenure	Size (Bedrooms / Persons)	Accessibility	Gross Internal Area (GIA) (sqm)	Amenity space (sqm)
Ground	1	Affordable Rent	1b2p	M4(2)	52.6	n/a
Ground	2	Affordable Rent	2b4p	M4(3)	84.2	36.5
Ground	3	Shared ownership	1b2p	M4(3)	66.8	20.2
Ground	4	Affordable Rent	1b2p	M4(2)	50.2	n/a
Ground	5	Market	2b4p	M4(2)	70.2	24.7
First	6	Market	1b2p	M4(2)	52.6	2.8
First	7	Market	3b5p	M4(2)	87.8	15
First	8	Market	2b4p	M4(2)	70.2	5
First	9	Market	2b4p	M4(2)	70.2	5
First	10	Market	3b5p	M4(2)	87.8	15
First	11	Market	1b2p	M4(2)	50.2	2.8
Second	12	Market	1b2p	M4(2)	52.6	2.8
Second	13	Market	3b5p	M4(2)	87.8	12.9
Second	14	Market	2b4p	M4(2)	70.2	5
Second	15	Market	2b4p	M4(2)	70.2	5
Second	16	Market	3b5p	M4(2)	87.8	12.9
Second	17	Market	1b2p	M4(2)	50.2	2.8

2.11 The proposed housing mix is shown in **Table 2** below:

Table 2: Proposed dwelling mix by size

Type of unit	Number	Percentage
One-bedroom flat	7	41.25%
Two-bedroom flat	6	35.25%
Three-bedroom flat	4	23.5%
Total	17	100.00%

- 2.12 As noted in Table 1 above the proposal includes affordable housing provision, providing four units which equates to a provision of some 23.5%. The applicant has proposed 3no. units as affordable rented provision and 1no. unit as shared ownership.
- 2.13 A viability appraisal has been submitted with the application which concludes that the scheme is viable.
- 2.14 The application is classed as 'Major Development' as it proposes ten or more residential units. According to the Council's constitution, applications for 'Significant development', defined to include applications for major development, should be determined by the Council's Development Control Committee ("DCC").

3 Relevant Planning History

- 3.1 20/01553/AMDT: Application to vary condition 02 (Approved Plans) - replace plan number 11479-AEW-XX-XX-DR-A-0500-P01 with 11479-AEW-XX-XX-DR-A-0500-P02 - repositioning of extract grilles (Minor Material Amendment to Planning Permission 19/00720/FUL dated 13 Aug 2019). Approved.
- 3.2 19/00720/FUL: Install new shopfront, infill existing entrance and install new delivery entrance/ fire door to west elevation, alter facade to side and rear. Approved.
- 3.3 Numerous earlier applications have been determined in relation to the site; these are considered not to have a significant bearing on the determination of the current application.

4 Representation Summary

4.1 Public Consultation

95 neighbouring properties were notified. A site notice has been posted and a press advertisement has been published. Two letters of representation have been received, raising concerns which are summarised as follows:

- Impacts on neighbour amenities of noise and light pollution, and overnight opening;
- Servicing access concerns including impacts on flow of traffic;
- Insufficient parking and impacts on parking congestion, resident amenities and flow of traffic.

- 4.2 These concerns are noted and they 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.

4.3 Environmental Health

No objections subject to sound insulation between dwellings and the glazing specification with the correct ventilation strategy as stated in the Noise Impact Assessment. A Phase 2 contaminated land investigation report will be required.

4.4 Highways

No objections. The works to construct new accesses and increased footway width will require a section 278 agreement including a safety audit.

4.5 Education

Contribution required through s106 for secondary education provision associated to the proposed market housing.

4.6 Parks

Soft landscaping and other biodiversity enhancing measures should be conditioned to ensure the development achieves a biodiversity net gain.

4.7 Housing

Affordable Housing units

The scheme is required to provide a minimum of 20% affordable housing which equates to 4 units.

4.8 Affordable Housing size mix

Housing Register Data indicates an Affordable Housing dwelling mix of 1no. one-bedroom flat, 2no. two-bedroom flats and 1no. three-bedroom flats. The scheme varies from this mix by proposing 3no. one-bedroom flats, 1no. two-bedroom flat and 0no. three-bedroom flats.

4.9 Affordable Housing tenure

Further to Policy DM7 of the Development Management Document (2015) a tenure split of 60% affordable rent and 40% intermediate housing is required. This would equate to 2no. affordable rent flats and 2no. shared ownership flats.

Having reviewed the proposal, the Housing Team are supportive.

4.10 Lead Local Flood Authority

No objection subject to conditions.

4.11 Essex Fire Service

No objection subject to informatives.

4.12 Historic England

No objections raised.

4.13 Anglian Water

No objections. There is capacity in the sewer network to accommodate the development. Informatives are suggested.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Planning Practice Guidance and National Design Guide (2019)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low

carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM5 (Southend-on-Sea's Historic Environment), DM7 (Dwelling Mix), DM8 (Residential Standards), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

- 5.5 Southend Central Area Action Plan (SCAAP) (2018) DS1 (A Prosperous Retail Centre) DS5 (Transport, Access and Public Realm) PA9 (Sutton Gateway Neighbourhood Policy Area Development Principles)
- 5.6 Design & Townscape Guide (2009)
- 5.7 National Technical Housing Standards (2015) and Technical Housing Standards Policy Transition Statement (2015)
- 5.8 The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)
- 5.9 Guide to Section 106 & Developer Contributions (2015)
- 5.10 Vehicle Crossover Policy (2021)
- 5.11 Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.12 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) Adopted 2nd November 2021
- 5.13 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, including the quantum of housing provision and dwelling mix, design and impact on the street scene and wider area, including impacts on non-designated heritage assets, impact on amenity of nearby residents, the standard of accommodation for future occupiers, traffic and highways impacts, sustainability including RAMS, CIL and planning obligations including affordable housing.

7 Appraisal

Principle of Development

- 7.1 The National Planning Policy Framework (NPPF) encourages effective use of land in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 7.2 Core Strategy (2007) Policies KP1, KP2 and CP4 seek to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 stipulates that this should be achieved by "maintaining and enhancing the amenities,

appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”.

- 7.3 The Southend Central Area Action Plan (SCAAP) identifies the site as Opportunity Site PA9.2, by which “the Council will support the redevelopment of this site to achieve a replacement or larger convenience store fronting Sutton Road that enhances the Secondary Shopping offer of this locality together with new residential accommodation. The façade of the current building fronting onto Sutton Road must be retained and linked architecturally into any proposal. The scheme should also incorporate amenity open space, urban greening and sustainability measures. Site access will be via Guildford Road”. The Policy indicates 50 new dwellings at the site.

Redevelopment of car park

- 7.4 Highways, transportation and parking considerations are discussed in detail later in this report. However, the redevelopment of the existing car park is fundamental to the proposal. The adopted parking standards identify a maximum provision of one space per 18sqm at this location for the existing retail use.
- 7.5 The existing retail store including ancillary spaces measures some 471sqm in GIA. This would equate to a maximum provision of 26 spaces. The proposal would reduce dedicated parking to the store to 15 spaces. Detailed discussion of parking and highways considerations is provided below, however in principle the redevelopment of part of the car park involving the reduction from 54 existing spaces is considered acceptable as the space is currently under-utilised. The gap in the street formed by the car park is a negative feature in the townscape.

Change of use of and works to existing building

- 7.6 While no Lawful Development Certificate has been applied for or granted, the existing building appears to be in established use for storage purposes, ancillary to the retail shop at ground floor. The applicant has provided marketing details within the submitted Planning Statement to show that the existing building’s vacant spaces have been actively marketed over the last six years. The submission states that alternative uses have been considered, however the site and market conditions have impacted upon the ability to lease the spaces successfully. This has included marketing of the remaining ground floor for retail purposes, for example.
- 7.7 There is no objection in principle to the loss of the ancillary storage use which appears to be redundant. Paragraph 118 of the NPPF states that planning decisions should “promote and support the development of under-utilised land and buildings”. Furthermore, the NPPF encourages viable use of heritage assets in a manner consistent with their conservation.
- 7.8 Policy KP1 seeks sustainable development by focusing appropriate regeneration and growth towards Priority Urban Areas which includes identified existing industrial/employment areas. Policy DM11(2) states that the borough council will support the development of Class B uses within the identified employment growth areas and industrial estates. Policy DM11(4) states that proposals for employment generating uses outside the employment areas will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies.

- 7.9 The self-storage Class B8 use would have a similar characteristic in terms of the use of the space as the existing situation. As a consumer use it would attract customers in a manner that would not be inappropriate to its commercial character and mixed commercial and residential location. The use would not conflict with the building's character in principle and would help to preserve the non-designated heritage asset through economic use. The wider impacts of the proposal are assessed in detail below, however the self-storage use is reasonably capable of maintaining the qualities of the residential environment and is acceptable in principle.
- 7.10 The proposed flexible class E/B8 unit at ground floor would provide an opportunity for the development to better address the street. The use of the space as self-storage is acceptable in principle given the above and the existing context and a Class E use would create the potential for a more active frontage. It is considered that this could improve the street environment, and subject to full details is reasonably capable of maintaining the quality of the surroundings.
- 7.11 The application is supported by an Ecological Statement and Preliminary Roost Assessment Survey. The Ecological Statement is based on a desktop study and external site walkover and notes the building could contain roosting potential for bats and other birds, and mitigation and enhancements are recommended. The Preliminary Roost Assessment Survey notes that no signs of protected species were recorded during the field survey, which included an internal inspection of the building. Section 40 of the Natural Environment and Rural Communities Act 2006 places a public duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. It is considered that the applicant has demonstrated that bats are not present and there would thus not be harm to protected species. The provisions of the Wildlife and Countryside Act (1981) would continue to apply to work at the site. In light of paragraph 179 of the NPPF it is considered that enhancement measures as identified in the Ecological Statement are however pursued through a condition on any planning permission.

Proposed residential provision

Quantum of housing

- 7.12 As noted above Policy PA9 identifies the provision of up to 50 dwellings at the site. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough.
- 7.13 The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties, a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.14 For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.
- 7.15 The proposed provision of 17 dwellings is less than the 50 dwellings indicated in Policy

PA9. The applicant has provided an analysis within the submitted Planning Statement regarding the feasibility of the proposed residential conversion of the existing building, in seeking to maximise residential provision at the site. This includes an assessment of the design feasibility, structural feasibility and financial viability of the conversion of the upper floors of the existing building into flats.

- 7.16 The analysis finds that the building's layout does not support the provision of a high standard of accommodation. It identifies, for example, the oversized single-aspect units that result from the large floor areas. It finds that the potential structural alterations required to overcome this could introduce structural problems, would be prohibitively expensive and would likely result in a degree of disruption which may not be compatible with the lease given on the building. This is considered reasonable.
- 7.17 Although matters related to layout, design, character, neighbour amenities and parking and servicing, for example, are considered in greater detail below, the layout and scale of the overall development appears to complement reasonably the site context. In this situation, and in light of the above, it is considered that the proposed quantum of housing is acceptable in principle.

Dwelling mix

- 7.18 Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 7.19 Policy DM7 of the Development Management Document seeks that residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. The Council seeks to promote a mix of dwelling types and sizes as detailed below. The dwelling mix indicated by Policy DM7 compared to the proposal is shown in Table 3 below.

Table 3: Dwelling mix policy comparison

Type of unit	Proposal		Policy DM7 requirement
	Number	Percentage	Percentage
One-bedroom flat	7	41.25%	9%
Two-bedroom flat	6	35.25%	22%
Three-bedroom flat	4	23.5%	49%
Four-bedroom flat	0	0	20%
Total	17	100.00%	100%

- 7.20 The units proposed incorporate a mix of dwelling sizes, including three bed units. It is considered that the dwelling mix would accord reasonably to the higher density context of the site surroundings and the compact nature of the site. It would not unreasonably

affect the character of the area in terms of flat sizes. The proposal would make a useful contribution to meeting the housing needs of the borough and is considered to be acceptable and policy compliant in the above regards.

Affordable Housing provision

- 7.21 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10-49 dwellings. Policy DM7 states that an indicative tenure split of 60:40 between social and/ or affordable rented accommodation and intermediate housing is sought respectively.
- 7.22 The application has been revised to propose 3no. social rented units and 1no. intermediate rent product. This would meet the policy requirement for 20% affordable housing provision and the tenure split.
- 7.23 The units proposed include 2no. M4(3) compliant units at ground floor. Accessibility is considered further on in this report. Particularly considering the small quantum of units, the dwelling mix would accord reasonably to the density context of the site surroundings and the compact nature of the site. The proposal is acceptable and compliant with the objectives of planning policies in the above regards.
- 7.24 A viability statement has been submitted with the application which concludes that the scheme can viably provide affordable housing. The Council's independent assessor agrees with this conclusion. On this basis it is found that the scheme can support the proposed affordable housing provision.
- 7.25 The development would not have an adverse relationship to the development approved in outline in application 20/01479/FULM (Better Queensway) and would not prejudice that development.

Design and Impact on the Character of the Area

- 7.26 The NPPF states that planning decisions "should ensure that developments ...are visually attractive as a result of good architecture and ...are sympathetic to local character including the surrounding built environment while not preventing or discouraging appropriate innovation or change (such as increased densities)".
- 7.27 The National Design Guide notes that context including the grain of development, landscaping and the natural environment are important aspects of place and good design. Well-designed new development is integrated into its wider surroundings and responds positively to its context.
- 7.28 Policy DM1 requires development to respect the townscape and contribute positively to the space between buildings and their relationship to the public realm. The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy, and in Policy DM3 of the Development Management Document, which seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.29 Policy DM5 of the Development Management Document seeks to conserve and enhance all heritage assets including their setting. The NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into

account in determining the application... a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

- 7.30 The Design and Townscape Guide states at para.297 that additions and external alterations should preserve the scale and character of locally listed buildings.

Existing building

- 7.31 The existing ‘Co-op’ building is the locally listed former Co-op Bakery and Biscuit Factory. It is a three-storey historic industrial warehouse. It is a landmark for this section of Sutton Road and makes a positive contribution to local character.
- 7.32 The retention and refurbishment of the building is considered to be a key public benefit of the proposal which should be weighed in the balanced assessment. The reception would provide some active frontage and the Class E/B8 flexible space would allow for a potential increase in active frontage, which would be beneficial.
- 7.33 It is proposed to refurbish the windows and replace the window frames, where they cannot be refurbished, with new painted thin steel-section windows. The brick and stonework would also be cleaned, and the existing walls made good with matching materials, finished with a suitable external quality paint system, to reinstate a uniform appearance to the front eastern facade. The partially infilled doorway would be reinstated in the Sutton Road elevation providing an entrance to the flexible Class E/B8 use unit. The existing modern door within the same elevation would also be replaced in the same architectural manner.
- 7.34 A new insulated metal roof would be installed across the building, out of view from ground floor level. The roofing material to be removed holds no architectural or historic interest. The alterations to the functional rear elevation, removing functional and unsympathetic projections and introducing a roller shutter and doors would have an overall positive impact in design and appearance terms.
- 7.35 The retention and refurbishment of the existing windows and the reinstatement of the windows to ground floor and new entrances on the main elevation is positive subject to the agreement of detailing, can be secured through a condition.
- 7.36 The submitted plans indicate signage, which cannot be considered as part of this application. A separate application for express advertisement consent may be necessary and would be determined on its own relevant merits.

New build development

- 7.37 The proposed density of flats would be consistent with existing characteristics of the area. The positioning of the building along the road frontage would be consistent with the urban grain and would repair the gap in street scene created by the expanse of the existing car park. The three-storey height would accord with existing characteristics of the surroundings.
- 7.38 The proposed gabled design would break up the massing of the block into a more domestic scale, positively referencing the plot widths of the houses opposite and the finer grain of the area generally. It would reflect existing built form in the setting.

- 7.39 The application indicates contrasting brick, brick header detail, stone copings and aluminium window goods. The proposed materials, detailing and window configurations would in principle add to a positive impact within the street scene. The stark contrasting brick shown is a negative aspect, however this can be overcome through full details to be approved further to a condition. Full details of external materials for all elements of the proposal can be secured through a condition. The proposed undercroft access would be reasonably subservient and would have a minimal impact on the street scene in this context.
- 7.40 The proposed indicative landscaping would provide a positive setting to the proposed flats and the reconfigured car park. The absence of tree planting to the island at the north of the car park is a negative aspect, however an improvement to enclosure may be achieved through shrub planting or revised specification of trees. Full details of planting can be secured through a condition. The application is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.41 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.42 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that “protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”.
- 7.43 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”.

Self-storage, car park, servicing

- 7.44 The site backs on to the gardens of houses at Coleman Street, where gardens are typically some 12m in depth. The proposed roller shutter door and loading bay 2 are close to the rear of nos.67-73 Coleman Street. Proposed hours of opening for the self-storage use are 24 hours a day 7 days a week.
- 7.45 The existing space ancillary to the shop, used for customer parking and HGV deliveries, is not subject to control through planning conditions. In this context it is considered reasonable that specifications of shutters and of lighting should be secured through conditions on planning permission, to minimise noise nuisance and light overspill, and that on this basis the development would not be significantly harmful to the nearest residential occupiers.

Residential development

- 7.46 The position of the proposed building would be reasonably consistent with the established grain of buildings and spaces. At its nearest point it would project some 1.4m beyond the rear of the apartments at Royal Court, 60 Guildford Road which is situated 1.3m to the immediate west.
- 7.47 This relationship would not lead to a significant harmful impact in terms of daylight,

shadowing, outlook or enclosure towards the rear elevation, balconies or private amenity spaces of the nearest flats at Royal Court. First and second floor balconies could potentially lead to intervisibility at close proximity, and the impact on privacy can be overcome through a scheme of privacy screening to be secured through a planning condition.

- 7.48 The west elevation of the building would be situated within 1.3m of the east elevation of Royal Court in which there are six obscure-glazed windows. These would be affected in terms of daylight, shadowing, outlook and enclosure. The windows' size, position and obscure glazing characteristics indicate that they serve non-habitable spaces or are secondary sources of light to spaces. The impact upon occupiers' amenities would not be significantly harmful.
- 7.49 The submitted plans show that the rear of the proposed residential building would be positioned some 18m from the rear of the rear gardens at Coleman Street, to the south. The building would be marginally closer to rear gardens than Royal Court. The relationship would however be generally consistent with the existing characteristics of the area. As such privacy impacts would be within reasonable parameters. By reason of its position, layout and scale it is considered that the proposed building would not have a significantly harmful impact on the amenities of occupiers of the dwellings and their private amenity spaces to the south, along Coleman Street, in any relevant regard.
- 7.50 The proposed building would be separated from dwellings to the north of Guildford Road across the public realm. As previously noted, its alignment and scale would be reasonably consistent with the established built form. There would be impacts to occupiers along Guildford Road in terms of shadowing, daylight conditions, outlook, enclosure and overlooking. Given the prevailing context, the separation distance across the street and the intervening public realm, these impacts are considered to be within reasonable parameters and would not be significantly harmful.
- 7.51 The applicant has supplied a Sunlight and Daylight Assessment which supports the conclusion that the proposed development would not have a significantly harmful impact on surrounding occupiers in these regards.
- 7.52 The proposal would introduce noise impacts from occupiers and their comings and goings, including use of the rear car park, altering and intensifying the use of the site. Taking into account the existing use and the site context, these impacts would be within reasonable parameters.
- 7.53 The proposed car parking and servicing provisions would require a degree of external lighting to both the commercial car park and to the residential courtyard car park. Lighting has the potential to materially affect neighbour amenities. Indicative lighting details are shown on the submitted landscaping plan. Full details of external lighting can be secured through a condition on planning permission and subject to such controls the scheme is found to be acceptable.
- 7.54 The submitted Noise Impact Assessment includes Construction Phase Mitigation Measures in relation to noise and vibration and their impacts upon existing occupiers. These are considered reasonable in this regard and can be secured through a condition on planning permission.
- 7.55 It is found that subject to conditions the application is acceptable and policy compliant in

respect of its impact on the amenities of surrounding residential occupiers.

Living conditions

- 7.56 The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.57 Policy DM1 of the Development Management Document requires that developments provide an internal and external layout that takes account of all potential users. Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 7.58 Further to this, from the 1 October 2015 the Nationally Described Space Standards (NDSS) have been adopted and state that the following internal floor spaces (gross internal area (GIA) in sqm) are required:
- 1b2p flat: 50sqm;
 - 2b4p flat: 70sqm;
 - 3b5p flat:86sqm.
- 7.59 The proposed dwellings would exceed these requirements and bedrooms would provide twin, double or single accommodation in accordance with the NDSS. The six single-aspect north-facing dwellings are a negative factor. However, floor to ceiling openings, private main doors to the ground floors and balconies to the upper floors would improve the living conditions. Acceptable daylight and outlook conditions would be provided to all dwellings.
- 7.60 Policy DM8 requires that new developments make provision for useable private outdoor amenity space. The Design and Townscape Guide (2009) states: "Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development".
- 7.61 All but two of the flats would have private amenity spaces in the form of balconies or small rear garden spaces at ground floor. The private amenity space to the individual units would be within acceptable parameters.
- 7.62 Policy DM1 of the Development Management Document requires that development provides an internal and external layout that takes account of all potential users, and Policy DM8 requires development to have regard to Lifetime Homes Standards. Further to the Technical Housing Standards Policy Transition Statement (2015), these have been superseded for the purposes of DM8 by Part M4(2) and M4(3) of the Building Regulations.
- 7.63 The submitted Design and Access Statement confirms that the proposed flats would meet building regulations M4(2) accessibility standards, with 2no ground floor units meeting M4(3) standards in accordance with policy. Lift access would be available to the upper floors providing level access.
- 7.64 The submitted plans show a secured covered cycle store within the development, and externally accessible bin storage. The cycle store would provide one space for each dwelling consistent with Policy DM15. The bin store would be acceptably separated from surrounding flats and would provide 5no. bins of 1100litre specification. This would meet

the Council's waste standards for multiple occupancy developments of this scale. Carry and collection distances would be acceptable.

- 7.65 Subject to conditions, the proposal is considered acceptable and compliant with the policies relating to living conditions.

Traffic and Transportation Issues

- 7.66 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document (2015) states that all development should meet the parking standards (including cycle parking).

Parking for commercial development and existing shop

- 7.67 The parking requirements for commercial units are expressed as maximum standards. These are 1 space per 18sqm for food retail and 1 space per 150sqm for B8 uses. The existing retail unit would be retained at some 460sqm floor area. The proposed self-store would measure some 3110sqm, and the flexible use space (B8/Class E) some 119sqm.
- 7.68 In light of these floor areas, the maximum parking requirement for the existing retail unit being retained is 25 spaces. It would be 21 spaces for the B8 space, rising to 22 spaces including the Class E/B8 flexible space were it part of the self-storage use. The Class E/B8 flexible space could be used as a café. The parking standards state a maximum of 1 space per 6sqm which would equate to 19 spaces. Thus, the maximum requirement across the building is 63 spaces.
- 7.69 The existing car park has 54 spaces accessed via Guildford Road. These serve the existing building.
- 7.70 As a result of the proposal there would be 15 spaces including 1 accessible space, nominally to serve the existing retail use. The site is in an accessible location close to public transport and within walking distances for potential customers. The proposed provision is considered reasonable in this location in respect of the above standards.
- 7.71 As a result of the proposal there would be 10 spaces including 1 accessible space, nominally to serve the proposed self-storage use and the flexible B8/Class E unit. Customer visits to the storage facility are likely to be infrequent. The applicant has provided a Transport Statement which finds that parking accumulation on a typical day for the retail and self-storage/flexible spaces would not exceed 13 spaces, in the context of the proposed 25-space provision for the combined existing and proposed commercial uses together. The proposed provision is considered reasonable in this location in respect of the above standards.
- 7.72 With regard to the flexible use space, it is noted that the site is located on the edge of the town centre, on a main road and in a secondary shopping frontage. It is considered likely that a typical 'high-street' or other business use within Class E would attract linked trips and is easily accessible by walking, cycling and public transport. At this sustainable location the proposed parking provision is found acceptable.
- 7.73 Noting the adopted standards are maximums, it is considered that the proposed parking provision for the commercial uses is reasonable.

Servicing access

- 7.74 The submitted plans show that two loading bays would be provided within the car park, accessed via two new vehicular accesses. The self-storage unit as a consumer facility is likely to be serviced by cars and vans, whereas the retail unit is serviced by HGVs. This servicing arrangement would be similar to existing where HGVs access the unit via the car park. The Transport Statement identifies that all types of vehicle can enter and leave the car park in a forward gear. The Council's highways officer has confirmed no objections to the proposal and the arrangements are considered acceptable.

Residential development

- 7.75 The adopted Vehicle Parking Standards state that at least one space should be provided per dwelling at this location, and that one secure cycle storage space should be provided per dwelling. The application proposes 14 spaces within a parking courtyard for the 17 flats, including two accessible spaces.
- 7.76 Policy DM15 states that residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. The site is sustainably located close to the town centre, Victoria Station and the bus station.
- 7.77 Secure cycle storage would be provided for the use of occupiers at one space per dwelling. This can be reasonably secured by condition. In light of this, and the site's relatively sustainable location, it is considered that the lower parking provision would be acceptable.
- 7.78 Appropriate construction of the proposed vehicular accesses can be reasonably secured through a 'Grampian' condition. The proposal is acceptable and policy compliant on highway and parking grounds.

Sustainability

- 7.79 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.
- 7.80 Sustainability and Energy Reports have been submitted with the application. The Energy Strategy report confirms that it is feasible and intended to provide PV panels to both the existing building and the proposed building. This is acceptable in principle. It is considered that panels could be provided on the existing building without causing significant harm to the non-designated heritage asset. The document refers to a reduction in CO2 emissions however the policy requires the demonstration of 10% contribution to expected energy demand. Full details can be secured via condition.

- 7.81 The document also proposes the use of water efficient fittings and appliances to limit water consumption. A requirement to limit to no more than 105 litres per person per day can also be conditioned. Subject to these conditions, the proposal is considered to be acceptable and policy compliant in this regard.

Flood Risk and Drainage

- 7.82 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.
- 7.83 The site is located within flood zone 1, low risk, so is sequentially preferable 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 commercial parking area, and that unlined permeable paving and soakaway, together with soft landscaping provisions, should 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

- 7.84 A Phase I Contamination Assessment has been submitted with the application. This states that the site presents low contamination risk to the land use 'residential with homegrown produce'. It recommends a Phase II Contaminated Land Assessment due to geological characteristics (collapsible deposits). Environmental Health has confirmed no objection, subject to further details within a Phase II Contaminated Land Assessment. Subject to this condition the proposal is considered to be acceptable and policy compliant in this respect.

Impact on Trees

- 7.85 There are tall trees adjacent to the site's southern boundary. The condition of the trees has not been identified however they have a townscape presence and are identified as a potential resource for bats locally. The trees are outside the application site and adjacent to the existing car park and loading area which is formed in hardstanding. The proposal would also incorporate hardstanding alongside the trees. For this reason, it is considered that no tree protection measures are necessary in this instance.

Electric Vehicle Charging

- 7.86 Further to the adopted SPD, one active charging point is required per dwelling, 20% of non-residential parking spaces shall be provided with one active charging point each, and 80% of non-residential parking spaces shall be provided with passive provision as defined in the adopted SPD. The application does not identify specific provision; the SPD has been adopted since the application was submitted. It is considered that the necessary provision can be reasonably secured through planning conditions in relation to the new uses proposed. It would not be reasonable to seek provision for the existing retail provision.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

7.87 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) requires that a tariff of £127.30 (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 the S106 legal agreement, the proposal is considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy and Developer Contributions

7.88 Paragraph 57 of the NPPF states that "Planning obligations must only be sought where they meet all of the following tests:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development".

7.89 The NPPF states "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage".

7.90 The National Planning Practice Guidance makes it clear that "Where local planning authorities are requiring affordable housing obligations or traffic style contributions to infrastructure, they should be flexible in their requirements...On individual schemes applicants should submit evidence on scheme viability where obligations are under consideration".

7.91 Core Strategy Policy KP3 requires that "In order to help the delivery of the Plan's provisions the Borough Council will:

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed. This includes provisions such as; a. roads , sewers, servicing facilities and car parking; b. improvements to cycling, walking and passenger transport facilities and services; c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS); d. affordable housing; e. educational facilities; f. open space, 'green grid', recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate; g. any other works, measures or actions required as a consequence of the proposed development; and h. appropriate on-going maintenance requirements".

7.92 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states "*The Borough Council*

will...enter into negotiations with developers to ensure that:

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

Furthermore, the responsibility for the Council to adopt a reasonable and balanced approach to affordable housing provision, which takes into account financial viability and how planning obligations affect the delivery of a development, is reiterated in the supporting text at paragraph 10.17 of the Core Strategy and paragraph 2.7 of the Planning Obligations Supplementary Planning Document”.

Community Infrastructure Levy (CIL)

- 7.93 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 1367sqm, which may equate to a CIL charge of approximately £35016 (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 and Developer Contributions

Affordable Housing

- 7.94 The application proposes the provision of 3no. social rented units at ground floor, and 1no. intermediate rented unit at ground floor. This meets the policy requirement for affordable housing in tenure split. The applicant has provided a viability assessment, and the council has appointed an independent assessor to act on its behalf, BNP Paribas Real Estate (BNPPRE).
- 7.95 BNPPRE have evaluated the applicant’s viability assessment and the evidence that supports it. Having taken the available evidence into consideration, BNPPRE have concluded that the scheme is viable. It is therefore found that the proposal is capable of implementation as proposed and is acceptable and policy compliant on affordable housing grounds.

Education

- 7.96 Policy CP6 states that development proposals must mitigate their impact on community infrastructure by contributing appropriately to services and facilities that would be adversely affected, in the interests of the education attainment and well-being of local residents. Due to the increased demand for school places and impact on school capacity, as a result of the development, a financial contribution of £21664.14 will be required prior

to commencement towards refurbishment to access places at Cecil Jones Academy. This matter can be dealt by completion of a S106 agreement.

Essex Coast RAMS

- 7.97 As noted above the applicant has requested to make the necessary payment for mitigation through the legal agreement.
- 7.98 The Section 106 provisions and contributions proposed are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contribution that is set out above the development could not be considered acceptable. Therefore, if the S106 agreement is not completed within the relevant timescale the application should be refused. An option to this effect is included within the recommendation in Section 9.

8 Conclusion

- 8.1 The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development is applied when determining the application. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. The development would provide 17 additional dwellings and support the retention of the non-designated heritage asset, which would be public benefits, and would re-use previously developed land for an appropriate purpose.
- 8.2 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. Sufficient evidence has been given to support the provision of policy compliant levels of affordable housing in financial viability terms. The loss of the existing car parking arrangements and ancillary storage space are found to be acceptable. The proposal would support the economic use and appropriate associated alterations of the locally listed landmark building, and its contribution to the quality of the site surroundings and wider area. The scale, layout and design are acceptable in the site context. The development would have an acceptable impact on the amenities of surrounding occupiers and would provide satisfactorily for the amenities of future occupiers. The highways impacts of the proposal are considered to be such that they would not conflict with development plan policies. The development provides reasonably for ecology and sustainability impacts of the proposal, and biodiversity enhancement can be secured through the controls recommended. The application provides mitigation for associated education provision. This application is therefore recommended for approval subject to completion of a S106 Agreement and conditions.

9 Recommendation

Members are recommended:

- (a) **To DELEGATE to the Director of Planning or the Executive Director (Growth and Housing) to GRANT PLANNING PERMISSION subject to completion of a PLANNING AGREEMENT UNDER SECTION 106 of the Town and Country Planning Act 1990 (as amended) and all appropriate legislation to secure the provision of:**
- **A minimum of 4 Affordable housing units comprising 3 for affordable rent**

and 1 unit for shared ownership;

- A financial contribution towards secondary education provision of £21664.14, specifically for refurbishment to access places at Cecil Jones Academy;
- A payment of £127.30 per dwelling for 17 dwellings, (£2164.10) under the terms of the Essex Coast Recreational disturbance Avoidance Mitigation Strategy.

- (b) That the Director of Planning or the Executive Director (Growth and Housing) be authorised to determine the application upon completion of the above obligation, so long as planning permission when granted and the obligation when executed, accords with the details set out in the report submitted above and the conditions listed below:

Conditions

- 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: 9011 – P01 P2, 9011 / P22 P2, 9011 / P10 P1, 9011 / P41 P1, 9011 / P20 P1, 9011 / P23, 9011 / P30 P2, 9011 / P31 P1, 9011 / P21, 9011 / P24 P1, 9011 / P32 P1, 9011 / P40 P2.

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

- 03 The Use Class E use hereby approved shall not be open for customers outside the following hours: 0700 hours to 2200 hours on any day.

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 04 Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended), the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), or any Acts, Orders or Regulations revoking, amending or re-enacting that legislation, the ground floor windows facing Sutton Road shall not be obscured other than in accordance with details that have previously been submitted to the local planning authority and approved in writing.

Reason: In the interests of the vitality of the shopping frontage, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP2 of the Core Strategy (2007), and Policy DM13 of the Development Management Document (2015).

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works in relation to the proposed residential building other than ground preparation and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the residential building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.**

Reason: In the interests of the visual amenities of the area, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).

- 06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external alterations to the existing building shall be carried out unless and until full product details of the materials to be used on all the external elevations of the existing building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.**

Reason: In the interests of the visual amenities of the area, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).

- 07 The dwellings hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in relation to the residential building have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works relating to the residential building shall be carried out prior to first occupation of the residential element of the development and the soft landscaping works relating to the residential building within the first planting season following first occupation of the residential development. The details submitted in respect of each shall include, but not limited to:**

- i. means of enclosure of the site including any gates or boundary fencing;**
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;**
- iii. hard surfacing materials;**
- iv. minor artefacts and structures (e.g. furniture and planters)**
- v. 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 the character and appearance of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management

Document and the advice contained within the Southend Design and Townscape Guide (2009).

08 The B8 self-storage use and B8/Class E flexible use hereby permitted shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in relation to the commercial parking and servicing area have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works relating to the commercial parking and servicing area shall be carried out prior to first occupation of the commercial element of the development and the soft landscaping works relating to the commercial parking and servicing area within the first planting season following first occupation of the commercial element of the development. The details submitted in respect of each shall include, but not limited to:

- i. means of enclosure of the site including any gates or boundary fencing;**
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;**
- iii. hard surfacing materials;**
- iv. minor artefacts and structures (e.g. furniture and planters)**
- v. 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 the character and appearance of the area in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).

09 The development shall be carried out in accordance with the recommendations and enhancements identified in the submitted Preliminary Roost Assessment Survey, in relation to timing of works at the existing building and the provision of the identified bat and bird boxes as specified. The bat and bird box provision shall be carried out in full prior to first occupation of the B8 use hereby approved.

Reason: In the interests of achieving a net increase in biodiversity further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

10 The construction phase of the development shall only be carried out in accordance with the Construction Phase Mitigation Measures identified in the submitted Noise Impact Assessment by Aval Consulting Group August 2021 and dust control measures in the submitted Air Quality Assessment by Aval Consulting Group dated August 2021.

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development

Management Document (2015).

- 11 Construction hours 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 residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no external lighting shall be installed prior to a full scheme of external lighting having been previously submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.**

Reason: In the interests of residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 13 The B8 self-storage use otherwise hereby approved shall not be first occupied unless and until noise mitigation measures to be implemented in association with this use have been installed in full, in accordance with details that have been previously submitted to and agreed in writing by the Local Planning Authority. The details submitted shall include measures associated with the proposed roller shutters and exterior doors. The measures shall be formulated and supported by a proportionate noise impact assessment, to minimise the noise impacts of access and egress to the facility with particular reference to evening and night-time hours.**

Reason: In the interests of residential amenity further to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 14 Other than for ground preparation and site clearance, no development of the residential building shall take place until a site investigation of the nature and extent of any collapsible deposits has been carried out, further to the recommendations of the submitted Phase I Assessment by Aval Consulting Group August 2021.**

(a) The results of the site investigation shall be made available to the local planning authority before any construction begins. If any collapsible deposits or contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any construction begins.

(b) The site shall be remediated in accordance with the approved remediation measures before the development hereby approved is occupied and evidence to demonstrate that the remediation has taken place shall be submitted in writing to the Local Planning Authority before the development is occupied.

(c) If, during the course of development, any contamination is found which has not been identified in the site investigation, development shall stop and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority.

(c(i)) The remediation of the site shall incorporate the approved additional measures and these shall be fully implemented before the site is occupied.

Reason: To ensure that any contamination or ground instability 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).

- 15 The residential development shall not be occupied until and unless refuse storage for occupiers has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.**

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

- 16 Notwithstanding the approved plans, the Class E or self-storage use shall not be first occupied until and unless refuse storage to serve the development has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.**

Reason: To protect the environment and provide suitable storage for waste and materials for recycling in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007).

- 17 The residential development shall not be occupied until and unless secure covered cycle storage for occupiers has been provided in accordance with the approved plans. The storage shall be retained as such for the lifetime of the development thereafter.**

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 18 Notwithstanding the approved plans, the Class E or self-storage use shall not be first occupied until and unless secure covered cycle storage for staff and users of the development has been provided in accordance with details to have been previously submitted to and approved in writing by the Local Planning Authority. The storage shall be retained as such for the lifetime of the development thereafter.**

Reason: To ensure the provision of adequate cycle parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-

Sea Design and Townscape Guide (2009).

- 19 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the residential building shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify a scheme of privacy screens to be incorporated to prevent overlooking of occupiers of the neighbouring flats at Royal Court. Before the residential building hereby approved is occupied the development shall have been implemented in full accordance with the privacy screens approved under this condition and shall be permanently retained as such thereafter.**

Reason: To protect the privacy and environment of existing and future occupiers, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 20 Notwithstanding the details submitted and otherwise hereby approved no drainage infrastructure associated with this development shall be installed until a drainage strategy has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved drainage strategy in full before it is occupied. The strategy shall provide for the following:**

- i. Soakaway tests to be undertaken in line with BRE 365 guidelines to confirm the infiltration rates and sufficient depth from SuDS systems to groundwater level. The applicant should confirm, based on ground investigations, that there is no risk of ground instability, pollution to groundwater or groundwater flooding associated with the use of the proposed infiltration systems;**
- ii. Proposed permeable and impermeable areas to be identified on plan;**
- iii. Exceedance flow routes to be shown in the drainage plans;**
- iv. The applicant should confirm who will be the final adopting authority / body responsible for the maintenance of each drainage/SuDS elements;**
- v. Construction details for the proposed connection into the sewer;**
- vi. A method statement detailing the effect of surface water during the construction phase and how it will be managed.**

Reason: To secure appropriate drainage conditions and manage wider flood risks in accordance with National Planning Policy Framework (2021) and Policies KP1, KP2 and KP3 of the Core Strategy (2007).

- 21 Before any of the residential units hereby approved are first occupied, the development hereby approved shall be carried out in a manner to ensure that two of the flats hereby approved comply with building regulation M4(3) 'wheelchair user dwellings' standard and the remaining fifteen flats comply with building regulation M4(2) 'accessible and adaptable dwellings' standard.**

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Policy KP2 of the Core Strategy (2007), Policy DM2 of the Development Management Document (2015).

- 22 No development associated with this permission shall commence unless and until full details of the highway works proposed in relation to the new and altered vehicular accesses, a safety audit of the changes and a suitable means to secure their delivery has been submitted to and approved in writing by the Local Planning Authority. The highways works shall be implemented in full accordance with the details approved under this condition before the development is first occupied.**

Reason: In the interests of highways management, the character of the area and safety in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4 and Development Management Document (2015) Policies DM1, DM3 and DM15.

- 23 Prior to first occupation of the residential building hereby approved, the 14 residential car parking spaces shown on the approved plan 9011/P10 P1, including the 2 disabled accessible spaces, shall have been provided and made available for the use of occupiers of the development and their visitors. It shall be retained thereafter for the lifetime of the development.**

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

- 24 Prior to first occupation of the Class E or B8 commercial spaces hereby approved, the car parking and servicing/loading arrangements as shown on the approved plan 9011/P10 P1, providing 10 spaces for the Class E/B8 uses and 15 spaces for the existing retail unit, of which 2 spaces shall be disabled accessible, shall have been provided and made available in full for the use of customers, staff and service and delivery vehicles and shall be retained as such thereafter for the lifetime of the development.**

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

- 25 Prior to first occupation of any part of the development hereby approved, a car parking management plan for the car parking provision for the relevant part of the development, with the objective of optimising the availability of parking and the free flow of traffic, and including review procedures, shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan(s) shall be implemented as part of the development and retained thereafter for the lifetime of the development.**

Reason: To ensure the provision of adequate car parking in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015).

- 26 Prior to first occupation of the residential building hereby approved, no fewer than 14 active electric vehicle (EV) charging points shall have been provided to serve each residential parking space. The arrangements shall be retained thereafter for the lifetime of the development.**

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

- 27 Prior to first occupation of the Class E or B8 commercial spaces hereby approved, no fewer than 2 active and 8 passive electric vehicle (EV) charging points shall have been provided to the parking spaces allocated for the Class E or B8 uses.**

Reason: To ensure the provision for adequate EV car parking and charging in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy DS5 of the Southend Central Area Action Plan (SCAAP) (2018) and the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021).

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

Reason: In the interests of providing sustainable development in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), and Policy DM2 of the Southend-on-Sea Development Management Document (2015).

- 29 The residential development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before it is brought into use.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015).

- 30 Excluding the Class B8/Class E flexible unit, to the extent that it may also be used for purposes within Class E, the development hereby approved, for purposes falling within Class B8, shall only be occupied as a self-storage facility, and shall not be used for any other purpose, including any other purpose within Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), nor any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.**

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- (c) **In the event that the planning obligation referred to in part (a) above has not been completed before 16.02.2022, or an extension of this time as may be agreed by the Director of Planning or the Executive Director (Growth and Housing) to refuse planning permission for the application on the grounds that the development will not secure the necessary affordable housing provision, contributions to education provision and mitigation of impacts on European designated sites. As such, the proposal would be unacceptable and contrary to Policies KP1, KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007), Policies DM1, DM6 and DM7 of the Development Management Document (2015) and the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (2020).**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

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

- 3 A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.**
- 4 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.**
- 5 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.**
- 6 Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.**
- 7 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.**
- 8 The works to construct new vehicular accesses and increased footway width will require a Section 278 agreement including a safety audit.**
- 9 Registered Providers (RP's) should be contacted as early as possible with regards to understanding their requirements. Generally, RP's will prefer to have their affordable dwellings contained within one block/floor (per tenure). It is worth noting that RP's may be interested in taking on additional units particular where it would result in the ownership of an entire block/floor.**
- 10 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.**
- 11 This permission is governed by a legal agreement between the applicant and the Borough Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of affordable housing, a financial contribution towards secondary education and a payment in mitigation of impacts**

identified in the RAMS SPD.

- 12 Please note that advertisements eg. signage for the commercial unit(s) will require separate advertisement consent.**
- 13 The applicant is reminded that they are required to adhere to the Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 and the Wildlife and Countryside Act (1981) in relation to development works close to protected species including bats.**