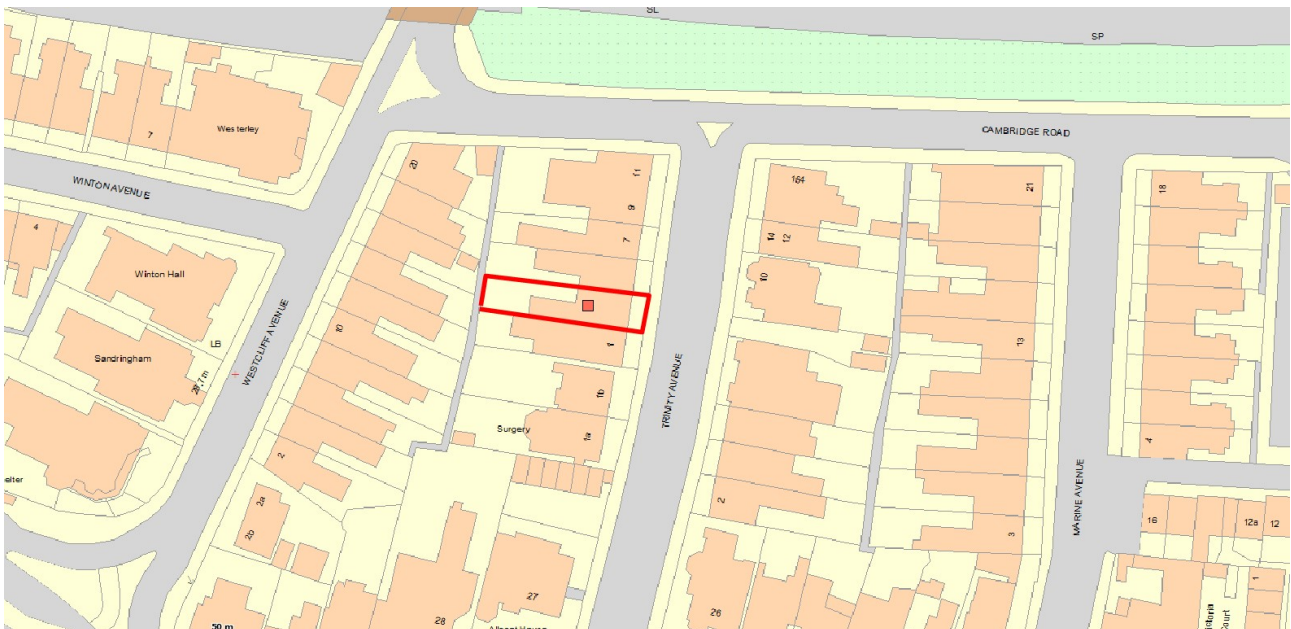


Reference:	21/02305/FUL
Application Type:	Full Application
Ward:	Milton
Proposal:	Change of use from hotel (Class C1) to 7-bedroom residential institution for up to 9 residents (Class C2) with new disabled access to rear
Address:	The Trinity, 3 Trinity Avenue, Westcliff-on-sea
Applicant:	Sara Parkinson, Off the Streets
Agent:	Sara Parkinson
Consultation Expiry:	30.09.2022
Expiry Date:	07.11.2022
Case Officer:	Robert Lilburn
Plan Nos:	Location plan, 01, 02, 03A, 04A
Supporting Documents:	Planning and Heritage Statement received 14.09.2022 Management Statement updated 08.09.2022 ICENI Transport Note dated November 2020
Recommendation:	Members are recommended to GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The application property is part of a two-storey Victorian terrace within the Shorefields Conservation Area (CA). It is mid-terraced, with additional accommodation in the roof space. It is in established use as a guest house. The submitted plans show that it provides seven en-suite rooms. There is a small garden to the front and a larger garden to the rear. There is no off-street parking associated with the property. The Shorefields Conservation Area Character Appraisal (2021) identifies the building as making a positive contribution to the character of the conservation area.
- 1.2 The area is principally residential in character, with two-storey dwellings and flats of a similar scale. Besides the self-contained dwellings and flats, the other uses in the street are identified as follows. No.1a Trinity Avenue is in mixed use as a dwelling and a chiropractic clinic. Within the Victorian terrace there are guest houses, one neighbouring the application property at no.1 Trinity Avenue (Pavilion Hotel) and another two doors along at no.7 (George's Guest House). There is a homeless person's hostel at nos.9-11, forming the end of the terrace. Ocean Lodge Independent School and a residential care home for children are at nos.6-8 opposite. No.26 Westcliff Parade is a residential care home for the elderly.

2 The Proposal

- 2.1 This application is for change of use of the hotel to a residential institution (C2 use). The premises would be run and managed by Off the Streets, a registered local charity, with the aim of providing support and accommodation for homeless people. The applicant states that this would be transitional accommodation for former rough sleepers so that they can 'move on' from emergency housing and learn to live independently. A Planning and Heritage Statement has been provided which describes the local need for the development in relation to homelessness specifically, and notes that rough sleepers have at times been housed in guest houses with no safeguarding measures in place. It notes that there is insufficient capacity at present and referrals would be made through the local charity HARP Southend.
- 2.2 The applicant states that the seven bedrooms would provide accommodation for a maximum of nine residents at any one time. They state that five would be single occupancy bedrooms and two would be capable of accommodating couples. The submitted plan does not specify which rooms would be double or single occupancy. One room, at ground floor, would be designed for use by disabled residents.
- 2.3 An office would be located at the ground floor front, adjacent to the front door. An 18.8sqm common room, with access to the rear garden, and an 11.8sqm kitchen would be located at ground floor. An 18sqm multi-function room with associated WCs would be provided at the second floor. A communal WC would be available at ground floor. The schedule of sleeping accommodation would be as follows:

Room Number	Location (floor)	Floor area (sqm)	Principal Width x Length (m)	Location of amenities	Amenities size (sqm)
1	Ground	10.18	3.51 x 2.27	En-suite	6.2

2	First	12.89	3.59 x 2.66	En-suite	5
3	First	13.11	3.51 x 3.12	En-suite	1.66
4	First	14.35	3.52 x 3.20	Shared on floor	2.88
5	First	6.77	1.87 x 3.57	Shared on floor	2.88
6	Second	7.76	1.68 x 4.86	En-suite	6.1
7	Second	6.76	3.52 x 1.73	En-suite	2.4

- 2.4 Residents could come and go during the day but a 10pm to 6.30am curfew would be operated. This curfew is given in the Planning Statement as 9pm, however the agent has confirmed this should be 10pm as per the submitted Management Statement. 3 staff would run the premises 24 hours a day. CCTV would be installed for use by the facility. The submitted Planning Statement refers to an intention to install an access ramp to the front door; this element of the proposal has been deleted from the submitted plans in subsequent revisions and furthermore it would not be reasonable here to secure details of such a ramp by a condition.
- 2.5 The proposal includes a rear access ramp and 300mm high deck which has been indicated on the proposed plans and elevations.
- 2.6 A Management Plan has been provided, which describes in requisite detail the main operational considerations including: resident selection procedures, staffing arrangements, safeguarding and security, code of conduct, complaint and review procedures, emergency procedures, details of procedures for managing challenging behaviour and community liaison. It includes details of the policies relating to issues such as: safeguarding, health matters, incident and risk management, supervision, CCTV, complaints, and discharge of residents.
- 2.7 Selection processes would consider prospective residents' personal ID, any criminal backgrounds, local connections, health issues and employment needs.
- 2.8 Residents would sign an initial shorthold tenancy agreement for 28 days. The plan states that if residents find alternative accommodation or break the rules, then they may leave sooner and the tenancy would be ended. If a more permanent tenancy hasn't been found and the resident is engaging with Off the Streets, then this initial period would be extended by another 28 days.
- 2.9 The development would provide some leisure activity on site and training opportunities, including meeting an allocated keyworker at least once a week and by way of group seminars. It is intended that as well as providing accommodation for rough sleepers, the operation would signpost residents to permanent accommodation and employment.
- 2.10 A Transport Note has been provided including TRICS Data to demonstrate that the proposed use would result in more off-street parking being available within the locality compared to the established use, while accounting for the proposed staffing levels.
- 2.11 The applicant has indicated that, should planning permission be obtained, the existing

night shelter operated by Off the Streets at no.505 London Road would be closed.

2.12 The application has been called into Development Control Committee by Councillor George.

3 Relevant Planning History

3.1 19/00675/FUL: Change of use from an existing guest house (Class C1) to a supported living establishment (Class C2). Refused 07.06.2019 for the following reason:

A local Southend need for the proposed use has not been clearly identified in the submission and it has not been demonstrated that there is no existing capacity for such facilities within Southend. The proposal would result in an over concentration of similar uses that would be detrimental to the character of a residential area and no benefits which outweigh these harms have been advanced. This application is therefore is unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2, CP4 of the Southend-on-Sea Core Strategy (2007) and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

[**Officer comment:** the provision was intended for individuals with predominantly mental health issues who can live in the community with minimal support].

4 Representation Summary

4.1 Public Consultation

18 neighbouring properties were notified. A press advertisement was published and a site notice was posted. 18 letters of representation have been received including a petition of 35 names, objecting to the application, and 3 letters have been received in support of the application. The matters of representation are summarised below:

Objections

- Value to city of retaining visitor accommodation;
- Overconcentration of residential uses within a short street;
- Harmful effect on historic character of Shorefield conservation area;
- Effect upon character of residential area and an area prominent as a throughfare for visitors;
- Impacts upon amenity of neighbours and of wider area, including noise, litter, personal safety, security;
- Amplification of amenity issues arising from similar facilities;
- Effects on any nearby vulnerable residents;
- Waste management concerns;
- Accessibility concerns relating to the established building;
- Crime and anti-social behaviour with associated safety impacts and disruption;
- Disamenity and traffic impacts of additional parking and collection/drop-off of residents and visitors;
- Effect on property values.

Support

- The street is already subject to considerable traffic and the impacts would be set against this;
- The character of the area is already lively;

- Impacts of a hotel use as existing could be comparable;
- Benefits of a dedicated and supervised facility to the wider City.

- 4.2 These concerns are noted and where relevant to material planning considerations they have been taken into account in the assessment of the application. They are found not to represent a reasonable basis to refuse planning permission in the circumstances of this case.
- 4.3 **Milton Conservation Society**
Need for the proposal not demonstrated; harmful impacts to residential neighbourhood; loss of visitor accommodation; ramp indicated to the front would not be feasible [**officer comment**: revised plans have been submitted deleting this ramp].
- 4.4 **Adult Social Care**
No objections on the basis that proposed residents would not have eligible adult social care needs and would have a clear local connection (ie this [facility] was not used to house people from other local authorities).
- 4.5 **Housing HMO Team**
The property would require an HMO licence under Mandatory Licensing provisions. As it is licensable, the premises would need to conform to the Essex Amenity Standards and LACORS fire safety guidance. Bedrooms must meet a minimum of 6.51sqm and any area within a room that falls below 1.5m head height will be discounted from the overall room size. The amenities look more than adequate as there is extensive communal space, kitchen and bathing facilities. [**officer comment**: the submitted plans show that the bedrooms would exceed 6.51sqm, accounting for headroom below 1.5m].
- 4.6 **Housing and Social Inclusion**
Off The Streets (OTS) offer a valuable service for homelessness clients in Southend. The Council, specifically the Rough Sleeper team, have worked closely with OTS and it is felt that OTS are positive advocates for their clients and are eager to learn and to work with the Council and existing providers. The Housing Directorate are therefore supportive of this application and are pleased that it offers long term security to OTS and its clients. The Council will continue to work with OTS and support them to achieve the best outcomes for their clients.
- 4.7 The Council's Housing Directorate are also encouraged by the more robust Management Statement supplied with the application which includes a number of key policies and procedures such as escalation processes and complaint procedures which provide greater context to the operational aspects of this proposal.
- 4.8 **Highways**
No objections. Consideration has been given to the previous use of the application site. It is noted that no off-street parking is currently provided.
- 4.9 The applicant has provided TRICS Data to demonstrate that the proposed use would result in more off-street parking being available within the local area compared to existing. The applicant has also provided proposed staffing levels. It is considered that the application would result in a reduction in overall vehicle movements. The site also benefits from being in a sustainable location with regard to public transport with good links in close proximity.

4.10 **Design and Conservation**

Concerns relating to proposed front ramp [**officer comment:** revised plans have been submitted, deleting this ramp].

4.11 **Environmental Health**

The submitted management statement addresses noise and disturbance and this can be subject to a condition. Additionally anti-social behaviour and nuisance are governed under HMO management regulations.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP2 (Employment Generating Development) CP3 (Transport and Accessibility) CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

5.3 Development Management Document (2015): Policies DM1 (Design Quality) DM3 (The Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards) DM9 (Specialist Residential Accommodation), DM12 (Visitor Accommodation) and DM15 (Sustainable Transport Management)

5.4 Southend-on-Sea Design and Townscape Guide (2009)

5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.6 Shorefields Conservation Area Character Appraisal (2021)

5.7 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of development, impact on the character and appearance of the area including the conservation area, amenities of neighbouring occupiers, living conditions for future occupiers, car parking and traffic considerations and CIL.

7 Appraisal

Principle of Development

7.1 Policy KP1 supports sustainable development. Policy KP2 requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way. Policy CP4 requires that new development has a satisfactory relationship with its surroundings. Policy CP6 seeks to ensure the needs of all residents and visitors, including vulnerable groups, are met. It supports the provision of health and social care facilities and improvements in the interests of education, skills and lifelong learning.

- 7.2 Policy DM9 states that development proposals for specialist residential accommodation, including new build and extensions, will be considered acceptable where each of the following criteria are addressed and it is demonstrated to the satisfaction of the Council that:
- i. there is a clearly identified need in Southend; and
 - ii. there is no existing capacity for such facilities within Southend; and
 - iii. it will not lead to an over concentration of similar uses that would be detrimental to the character of a residential area, residential amenity or will impact on the capacity of public services e.g. health and social care; and
 - iv. it would not result in the loss of an existing use that makes an important contribution to other Council objectives, strategies and policies; and
 - v. it is accessible to public transport, shops, services, community facilities, public open space and social networks appropriate to the needs of the intended occupiers.
- 7.3 Policy DM12 states that proposals for alternative uses on sites used (or last used) for visitor accommodation outside the identified Key Areas will generally be permitted provided that the proposal meets other relevant planning policies. The 'Key Areas' are defined as: Southend Central Area, at London Southend Airport and close to the Seafront.
- 7.4 Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in the exercise of planning functions in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.5 The site is located within the built-up area. The development would directly support the needs of those who have found themselves homeless in the City and, as well as immediate shelter would provide a springboard for improved health and employment outcomes. This is consistent with the aims of Policy CP6 and with the strands running through development plan policies and strategic objectives which seek to improve the social, economic and environmental fabric of the City.
- 7.6 The applicant has stated that during the pandemic a guest house locally provided ad hoc emergency provision for rough sleepers, and that there were issues arising from this provision in terms of noise and antisocial behaviour. The use of emergency provision suggests there is a need for bespoke services and accommodation in the City. This is reflected in the support for the proposal from the Council's Housing Directorate.
- 7.7 The applicant has stated that the development would complement the work of HARP through their referrals process and therefore would meet a local need. The proposal would provide a regulated space for homelessness services. The proposal includes comprehensive management measures as well as detailed referral, supervision, complaints and discharge processes.
- 7.8 It has previously been found in the decision for application 19/00675/FUL that a C2 use for mental health support would have led to an over-concentration of similar uses in Trinity Avenue, harming the character of the residential area, and that there were no benefits identified in that instance that would outweigh the harm identified. In that instance it was found that no local need for the provision had been identified, and that there was existing capacity in the City. The proposal did not include detailed management measures to control the outward manifestations of the use.

- 7.9 In this instance, the proposal is supported in principle by the Council's Housing & Social Inclusion team, on the basis that it would provide a valuable service for the clients of Off the Streets in Southend. The use is therefore considered acceptable with regard to Policy DM9(i) and (ii).
- 7.10 Turning to DM9(iii), the proposal would add to a relative concentration of supported housing uses in the area. The available information from a site visit, address point data, planning records and council tax and business rates records, indicates that this would lead to the same concentration of C2 or similar uses as found in the consideration of refused application 19/00675/FUL. As a key difference here, however, detailed management measures have been proposed, and their efficacy in maintaining the character and amenities of the residential area are considered further below.
- 7.11 In terms of DM9(iv), the proposal would lead to the loss of the existing visitor accommodation. It has previously been found in the assessment of application 19/00675/FUL at the site that the site is not located within a 'key area' in these regards, further to policy DM12. It would therefore not be reasonable to refuse planning permission based on the loss of the guest house.
- 7.12 With regard to Policy DM9(v) the proposal is centrally located and integrated within reasonable distance of services, facilities and amenities.

Design and Impact on the Character of the Area

- 7.13 Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and adds to the overall quality of the area not just for the short term, but over the lifetime of the development, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- 7.14 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.15 Policies KP2 and CP4, DM1 and DM3 advocate the need for any new development to respect the character of the area. Policy DM5 seeks to conserve and enhance all heritage assets including conservation areas.
- 7.16 As an existing guest house there is a degree of transience involved, and in essence this would not be significantly changed by the proposed use as supported accommodation.
- 7.17 The proposal includes a Management Statement, adherence to the details of which can be reasonably secured through a condition on any planning permission. The Statement includes measures such as prohibitions on congregating outside, which would be supported with tenancy terms and monitoring by CCTV for example, as well as the suite of headline measures listed in Section 2 of this report. It also includes a waste management strategy; full details of waste storage can be secured by an additional condition. In the interests of good design and maintaining the character and appearance of the conservation area, full details of CCTV and lighting equipment can be secured through a condition.

- 7.18 It is considered that the measures identified would sufficiently control the operation and external manifestations of the use and thereby its impacts on the character and appearance of the surroundings such that they would not “*lead to an over concentration of similar uses that would be detrimental to the character of a residential area... or ... impact on the capacity of public services eg. health and social care*”. It is considered that the objectives of Policy DM9 (iii) would thereby be met with regard to the character of the residential area, when the current application is considered on its individual merits.
- 7.19 The Shorefields Conservation Area (CA) Character Appraisal identifies the host terrace as the most intact group of buildings in the CA. Its positive contribution comes from both the front and the rear elevations; the rear being visible from Cambridge Road from which the rounded bow windows, unique to the CA, can be seen. The rear access ramp and decking would be low profile at maximum 300mm height, and not subject to wide views. It would not harmfully affect the building’s contribution to the CA. Final details of any handrails or balustrades can be reasonably secured by condition in this context, to ensure appropriate materials within the CA context. The impact of the proposed use on the CA would not be significant, and as noted above waste management and CCTV can be adequately controlled by condition.
- 7.20 It is considered that the proposal would not significantly harm the character of the CA given the transient characteristics of both the established and proposed uses and the modest scale of operational development proposed at the rear. It is considered that the safeguards proposed with respect to the operation of the premises can be reasonably secured through planning conditions and that these would mitigate and sufficiently control the outward impacts of the C2 use (for example, comings and goings).
- 7.21 Having regard to the factors set out in the preceding assessment and how they have been weighed up it is considered that the effect of the use on the character of the residential area, in conjunction with existing similar uses, would not be significantly harmful on the basis that the impacts can be sufficiently controlled through conditions which require and secure the measures identified. On balance therefore, the resulting concentration of similar uses in the street would not be significantly harmful to the character of the residential area further to the aforementioned policies and specifically Policy DM9(iii).

Impact on Residential Amenity

- 7.22 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible, which promote health and well-being with high standard of amenity for existing and future users, and where crime and disorder and the fear of crime do not undermine the quality of life, or community cohesion and resilience.
- 7.23 Policy DM3 seeks to support development that optimises the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 7.24 The application sets out comprehensive measures within the Management Statement to maintain the amenities of the site and surroundings thereby maintaining residential amenity of neighbouring and nearby occupiers. In addition to the headline measures noted above, the applicant states in the Management Statement that there would be a Resident and Community Liaison officer, contactable by telephone and email. Emergency requests would be responded to immediately. A Code of Conduct for residents of the site and a Disciplinary Procedure have been specified in the Management Statement.

Adherence to the Management Statement can be secured through a condition on planning permission.

- 7.25 The proposal would potentially reduce to a degree the use of guest houses for emergency accommodation, as anecdotally referenced by the applicant, which are not subject to similar management measures. This would arguably be an additional wider benefit.
- 7.26 Set within the built-up area it is considered that the use would not lead to significantly harmful increase in comings and goings in a general sense, compared to the established use, nor given the proposed management measures, in a form or scale of activity that would cause significant harm to residential amenity when judged in its own right.
- 7.27 Environmental Health have not raised any objections including on grounds of noise and disturbance. They note that the submitted Management Statement addresses noise and disturbance and this can be subject to a condition. They also note that anti-social behaviour and nuisance are governed separately under HMO management regulations.
- 7.28 It is considered that the applicant has demonstrated that reasonable management measures can be undertaken operationally at the site and through the selection of guests, complaint procedures, including escalation processes to the Board of the organisation, and discharge procedures, to sufficiently maintain the amenities of neighbouring residents to a reasonable degree.
- 7.29 The proposed rear access ramp and decking would be up to 300mm above ground level. There is a close boarded fence on the border of the rear garden with the neighbouring property to the north. The decking would infill a small space, and in this context would not lead to a significant or materially harmful increase in overlooking towards the neighbouring property to the north.
- 7.30 Subject to conditions sufficiently requiring adherence to the Management Statement as outlined above, it is considered that the safeguards proposed with respect to the operation of the premises can be reasonably secured through planning conditions and that these would mitigate and sufficiently control the outward impacts of the C2 use (for example, congregating, behaviour issues, numbers of residents, complaints, disciplinary and eviction procedures).
- 7.31 It is considered that the effect of the use on the amenities of residential occupiers, in conjunction with existing similar uses, would not be significantly harmful on the basis that the impacts can be sufficiently controlled through conditions which require and secure the measures identified. On balance therefore, the resulting concentration of similar uses in the street would not be significantly harmful to the amenities of nearby occupiers further the aforementioned policies and specifically Policy DM9(iii).

Living Conditions for Future Occupiers

- 7.32 In relation to residential standards for non-self-contained accommodation Policy DM8 states that all proposals for non-self-contained accommodation (such as student and hospital staff accommodation) will be required to meet the internal space standards. Paragraph 4.46 of the Development Management Documents states, "*The licensing and management of Houses in Multiple Occupation, including space standards, is set out in relevant housing legislation*".

- 7.33 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation and this document represents a material planning consideration, although this is not a planning policy document. Policy DM8 identifies at Policy Table 6 Standards for non Self-Contained Accommodation.
- 7.34 The proposal would, in the main, meet these standards, in terms of floor area, and daylight and outlook conditions. The Essex HMO standards require that single-occupancy bedrooms are at least 6.51sqm and double or twin-occupancy rooms are at least 10.22sqm in floor area. The application has not identified which two rooms would be for double occupancy, but the three of the rooms would exceed the requisite standard and all others would exceed the standard for single occupancy.
- 7.35 The en-suite shower space to Bedroom 3 would be marginally undersized at 1.66sqm where the requirement is for 1.7sqm. Particularly given the minor shortfall, this would not justify a refusal of planning permission. The environment of Bedroom 6, some 1.7m wide by 4.8m deep, would be a narrow, elongated room with no standard window and with one roof light to provide daylight and outlook. This is a negative feature, although the room would have a generously-sized en-suite. Its floor area would meet the HMO standard for a single occupancy bedroom. Given that the proposal is for temporary accommodation, intended to overcome homelessness, this is on balance considered acceptable in this instance.
- 7.36 The ground floor bedroom would be designed for disabled users. The proposal has therefore taken reasonable account of high-level requirements for accessibility and adaptability.
- 7.37 The application has not expressly identified the proposed purpose and likely activity in the upper floor Multi-Purpose room. This space would be capable of delivering some of the training and seminars, for example, referred to in the Management Statement.
- 7.38 It is considered that the proposal would be on balance acceptable and policy compliant with regards to living conditions for occupiers.

Traffic and Transportation Issues

- 7.39 Policies CP3 and DM15 seeks to maintain highway safety and accessibility. Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 7.40 Applying the methodology in the submitted Transport Note, taking a proportionate view it has been reasonably demonstrated that the proposal would likely result in a reduction in vehicle movements compared with the established use. It is therefore not considered that the development would be harmful to the free flow of traffic or highway safety. The site is reasonably sustainably located.
- 7.41 The development shown does not include specific provision for secure covered cycle parking. This is a negative aspect of the proposal however the site characteristics do not reasonably allow for this provision and in viewed in the round this alone would not justifying planning permission in this instance.

- 7.42 With regard to refuse collection, no details of the bin storage have been provided. It is considered that a bin storage area could be provided within the rear garden and brought to the highway and refuse collection could be provided as per the existing situation in which case it is considered that case no significant harm would arise.
- 7.43 The proposal is on balance acceptable and policy compliant in its parking, traffic and highway impacts.

Community Infrastructure Levy (CIL)

- 7.44 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 some 240sqm (Use Class C2), which may equate to a CIL charge of approximately £3073 (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.

8 Conclusion

- 8.1 Having regard to all material considerations assessed above, it is found that the development would meet a local need for homeless accommodation and signposting. There is no objection in principle to the associated loss of the existing hotel use. Subject to a condition requiring adherence to the Management Statement it is considered on balance that the proposal would have an acceptable impact on the amenities of neighbouring occupiers and wider area. Its impact on the character and appearance of the locality and the conservation area would also be within acceptable parameters. The proposal provides, on balance, adequate amenities for future occupiers and is acceptable in its parking and traffic impacts.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 02. The development hereby permitted shall be undertaken in accordance with the following approved plans: Location plan, 01, 02, 03A, 04A.**

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

- 03. The development shall be implemented and thereafter operated for its lifetime in full accordance with the submitted Management Statement updated 08.09.2022.**

Reason: In the interests of the character of the area and residential amenities, 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).

- 04.** The development hereby approved, for purposes falling within Class C2, shall only be occupied as a residential home providing short-term accommodation for people who are, or would otherwise be, defined as homeless under the Housing Act 1996, for up to 9 residents at any one time, and shall not be used for any other purpose, including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

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 within the Use Class specified so that occupation of the premises does not prejudice amenity, and to avoid an overprovision or otherwise unsustainable provision of residential care uses, in accordance with the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), and Policy DM9 of the Southend-on-Sea Development Management Document (2015).

- 05.** Prior to installation of any handrails or balustrades associated with the rear access ramp and decking hereby approved, full details of their design and materials shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed design and materials details only shall be provided for the lifetime of the development thereafter.

Reason: To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021).

- 06.** No externally mounted equipment such as CCTV and lighting associated with the use hereby permitted shall be fixed to the front or rear facing elevations of the building unless full details of their design and materials have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021).

- 07.** Prior to first use of the premises as a residential care home (use class C2), under the terms of this permission, details of waste storage and management shall have been submitted to and agreed in writing by the Local Planning Authority. The waste storage shall be provided at the site for the and made available for use of staff and residents in accordance with the agreed details for the lifetime

of the development thereafter.

Reason: To protect the character and appearance of the Shorefields Conservation Area, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Design and Townscape Guide (2009) and Shorefields Conservation Area Appraisal (2021) .

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.

Informatives:

- 1** 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 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 will 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** 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 the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-

on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER’.

- 4 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council’s Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.**