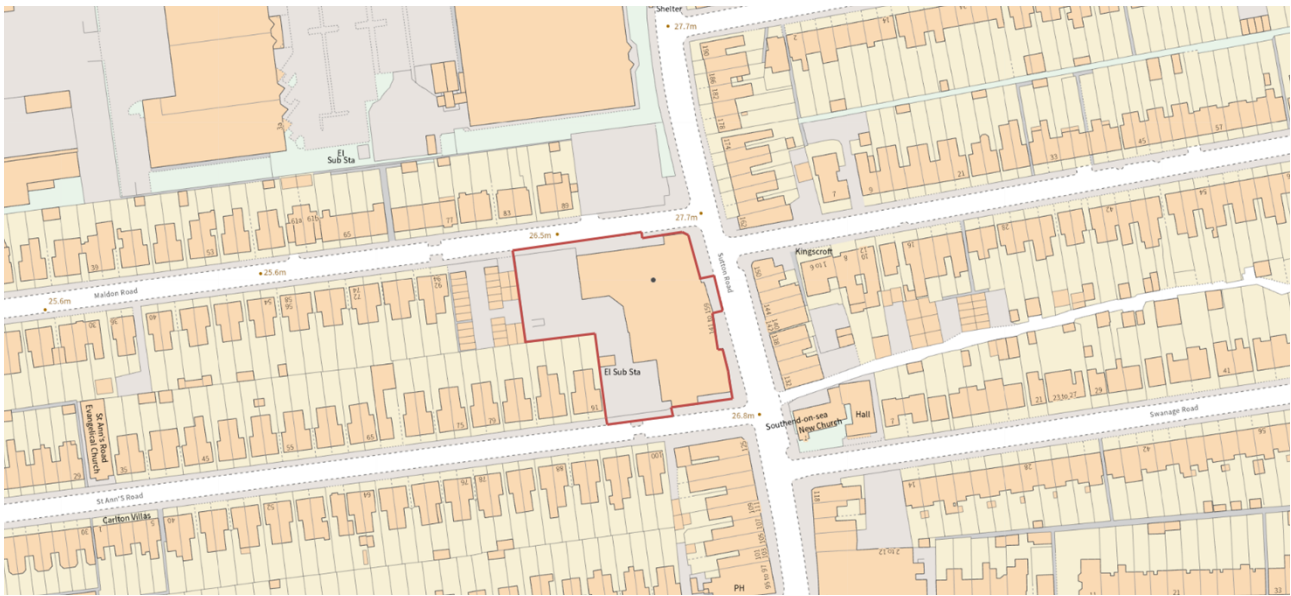


Reference:	22/01541/FULM	
Application Type:	Full Application – Major	
Ward:	Victoria	
Proposal:	Demolish existing buildings, erect part three/part four storey building containing 3no. commercial units (Class E) and 34no. residential units with associated parking	
Address:	141 - 159 Sutton Road, Southend-on-Sea SS2 5PB	
Applicant:	Mr Antony Mason	
Agent:	BGA Architects	
Consultation Expiry:	01.09.2022	
Expiry Date:	05.05.2023	
Case Officer:	Abbie Greenwood	
Plan Nos:	0-001A, 0-002A, 0-200G, 1-001A, 1-200D, 1-201F, 1-202E, 1-203C, 1-204C, 1-210D,1-211C, 2-001A, 2-200C, 2-201C, 2-210C, 3-200C, 4-200C	
Additional information:	Design and Access Statement dated June 2022 Planning and Heritage Statement date June 2022 Suds Strategy reference H15293 Trespa Meton TS700 Cladding Specification Arboricultural Report Rev 1 Tree Protection Plan dated 02.12.22 Energy and Sustainability Statement dated 29.11.21 Transport Statement reference 3021014/D/1A Recycling and Waste Management Strategy reference 3021014/D/2A Daylight and Sunlight Report x 2 Financial Viability Assessment dated 20.05.2022 and email from agent dated 14.1.2023 Façade Noise Exposure Assessment by HA Acoustics reference HA/AD238/V1.2 dated 13.3.23	
Recommendation:	DELEGATE to the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development 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)	



1 Site and Surroundings

- 1.1 The site is located on the western side of Sutton Road between the junctions with St Ann's Road and Maldon Road. It falls within the Sutton Road Local Centre and Secondary Shopping Frontage. It is currently occupied by a two-storey carpet shop and warehouse. There is customer parking to the rear of the building accessed via the side roads. Close by, to the north is the Greyhound Retail Park.
- 1.2 The streetscene in this section of Sutton Road generally has a fine grain and comprises mainly 2 storey, traditional, small scale shop units. The largest buildings are the Co-op to the south of the site which is 3 storeys and the furniture store opposite the Co-op which is 2.5 storeys. The buildings within the shopping area are mainly traditional shop units, articulated with projecting bays and gables at the upper levels. There are a mix of building designs ranging from small scale shops with traditional bay details and pitched roofs to more modern buildings in adjacent street blocks to the north and south of the site. The Swanage Road Church to the south-east of the site and the Co-op to the south (No 57 Sutton Road) are locally listed buildings and both make a positive contribution to the character of the shopping street and the wider area. The buildings in this area are mainly red brick except for the church directly to the south-east of the site which is brown brick - this reinforces it as a local landmark building. There are a number of mature street trees adjacent to the site on the St Ann's Road and Maldon Road frontages which make a positive contribution to the streetscene.
- 1.3 The site is within walking distance of Southend Town Centre and has good access to public transport including bus and rail routes.
- 1.4 The site falls within the Sutton Gateway Neighbourhood Policy Area as designated in the Southend Central Area Action Plan (SCAPP).

2 The Proposal

- 2.1 The proposal seeks permission to demolish the existing buildings and to erect a part three, part four storey building comprising 3 ground floor commercial units (of 220sqm, 175sqm and 128sqm respectively) fronting Sutton Road and 34 no. residential apartments with associated landscaping and parking. The proposed building has a stepped frontage which is a maximum of 58.4m wide and is broken into 3 sections each of around 16-18m, separated by glazed entrances. The development has a depth of between 17.5m and 28.4m also arranged in a stepped formation. The building has a flat roof which is 9.7m at second

floor level increasing to 12.2m at third floor level. Solar panels are shown on the roof of the third floor.

2.2 The proposal would be constructed of two tones of red brick, with dark grey cladding for the 3rd floor and dark grey windows and doors.

2.3 The 34 apartments include 4 wheelchair units and comprise:

1 bed units	8 units
2 bed units	19 units
3 bed units	7 units

2.4 To the rear are 36 off street parking spaces (1 per residential unit plus 2 general visitor spaces) accessed via the existing crossover on St Ann's Road to the south and an adjusted crossover onto Maldon Road to the north. Vehicles will be encouraged to access the site via Maldon Road as St Ann's Road is one way only. Four of the parking spaces are disabled spaces and 20 of the 36 parking spaces will have active electric vehicle charging points, the remainder will be future proofed. All 34 apartments have a private balcony or terrace and there is a communal roof terrace of some 235 sqm. Three refuse stores and one cycle store are also proposed within the ground floor of the building.

2.5 The design detailing of the proposal has been amended during the course of the application.

2.6 As a major scheme this application will need to be determined by the Development Control Committee.

3 Relevant Planning History

3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
21/00070/PREAPF	Demolish existing buildings and erect part 4/part 5 storey building containing 3 commercial units (Class E) and 44 self-contained flats with ancillary parking and amenities	Advice Given
85/1606	Use workshop for retail and trade sales of welding equipment and supplies with ancillary store office and workshop (relaxation of condition 1 on planning permission ref: SOS/463/83 dated 2nd august 1983 restricting use to workshop)	Granted

4 Representation Summary

Public Consultation

4.1 61 neighbours were consulted, a site notice displayed and a press notice published. 2 letters of representation have been received from 1 address raising the following summarised comments:

- Concerns relating to the height, size and number of flats proposed.

- Design concerns.
- The existing building is only 2 storeys.
- Impact on neighbour amenity including loss of light and overlooking and privacy concerns.
- Impact in local infrastructure including schools and health.
- Out of keeping with the local area.
- Too many units – over development of the site.
- Parking is insufficient and this will put pressure on the surrounding roads.
- Wider public consultation should be undertaken and more time should be given to respond.
- Impact house values.
- Impact well-being of existing residents.

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

Housing

- 4.2 Given our Affordable Housing (AH) request is subject to the Viability Assessment (VA), which shows that AH is not viable, we have no comments.

Highways

- 4.3 36 off street parking spaces have been provided for the 34 dwellings. Secure cycle parking spaces have also been provided. The redundant vehicle crossovers are required to be returned to footway. There are no objections to the proposed crossovers that access the site. The site benefits from being in a sustainable location with regard to public transport with good links in close proximity.

The applicant has provided a comprehensive transport statement which has included TRICS data showing the previous use and the proposed use. The TRICS data has demonstrated that the proposal will not have a detrimental impact on the local highway network.

The applicant will also provide travel packs highlighting and encouraging sustainable travel choices.

It is not considered that the application will have a detrimental impact on the local highway network. Policy compliant parking has been provided therefore no highway objections are raised.

Environmental Health

- 4.4 No objections subject to conditions relating to a construction management plan, contamination, noise, external illumination, refuse and recycling. The Environmental Health Officer also recommends additional floor/ceiling insulation to prevent noise transference as bedrooms and living areas are not aligned between floors.

Lead Local Flood Authority (LLFA)

- 4.5 No objection subject to a condition requiring additional drainage details to be submitted.

Parks (Trees)

- 4.6 No objections. A condition is needed to protect street trees close to the site.

Strategic Planning

- 4.7 Given the scale of the proposal it is considered that 20 active EV charging points would be reasonable in this case for the 34 residential parking spaces.

Private Sector Housing

- 4.8 No comments to make on this application.

Education

- 4.9 This application falls within the primary school catchment area for Bournemouth Park Primary and Cecil Jones Academy. Primary places are available for catchment pupils at Bournemouth Park for primary age pupils in years 2-11 as the lower years have been reduced to only 2 forms of entry. Cecil Jones Academy has some capacity however considerable plans in the area will demand places and a contribution would be required for refurbishment to access places at Cecil Jones Academy. A contribution is only requested for market value dwellings that are 2 beds or more. Contribution sought: £50,863.63.

NHS

- 4.10 The Essex Integrated Care Board has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and requests that a contribution of £16,000 is secured through a S106 legal agreement attached to any grant of planning permission. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.

[Officer Comment: Funding for community infrastructure including primary NHS services such as GP surgeries is secured through Community Infrastructure Levy. This is explained at 7.70-7.72 of this report]

Cadent Gas

- 4.11 No objections subject to an informative regarding contact details for the applicant.

Anglian Water

- 4.12 No objections subject to a condition requiring the submission of a foul water drainage scheme and surface water management strategy.

London Southend Airport

- 4.13 No objections.

5 Planning Policy Summary

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

- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

- 5.3 Technical Housing Standards – Nationally Described Space Standards (2015)

- 5.4 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance) and Policy CP8 (Dwelling Provision).
- 5.5 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend-on-Sea's Historic Environment), Policy DM8 (Residential Standards), Policy DM13 (Shopping Frontage Management Outside the Town Centre, Policy DM14 (Environmental Protection) and Policy DM15 (Sustainable Transport Management).
- 5.6 Southend Central Area Action Plan (SCAAP) (2018) Policy PA9 (Sutton Gateway Neighbourhood Policy Area Development Principles)
- 5.7 Southend-on-Sea Design and Townscape Guide (2009)
- 5.8 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.9 Southend-on-Sea Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.11 Southend-on-Sea Planning Obligations: A Guide to Section 106 and Developer Contributions (2015)
- 5.12 Southend-on-Sea Interim Affordable Housing Policy (2016)
- 5.13 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.14 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, the proposed dwelling mix and affordable housing, the design and impact on the character and appearance of the area, the standard of accommodation and residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use, sustainability, refuse and recycling storage, flooding and drainage, tree impacts, ecology and mitigation for impact on designated sites, developer contributions and CIL liability.

7 Appraisal

Principle of Development

- 7.1 The provision of new high-quality housing is a key Government objective.
- 7.2 Paragraph 119 of the NPPF states '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*'
- 7.3 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient

use of land Paragraph 124 states:

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

- 7.4 Policy KP2 of the Core Strategy requires that “all new development contributes to economic, social, physical and environmental regeneration in a sustainable way.”
- 7.5 Policy CP4 requires that new development “*maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments*” and 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.*”
- 7.6 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It seeks that 80% of residential development be provided on previously developed land.
- 7.7 Policy DM3 of the Development Management Document states that “*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.*”
- 7.8 In relation to secondary shopping frontages Policy DM13 states:
- ‘1. Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.*
- 3. All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public.’*
- 7.9 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. 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.
- 7.10 For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. Several of the flats proposed would be of a type which would

be likely to be suitable for families. There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

7.11 The proposal would result in the demolition of the existing commercial building which has a showroom to the front providing an active frontage to Sutton Road, however, the proposed development would also include 3 x commercial units (Class E) with shopfronts to Sutton Road, St Ann's Road and Maldon Road. Overall, there will be a loss of 348sqm of commercial floorspace but the new units are a good size, totalling 523 sqm, and the proposal maintains a full active frontage to Sutton Road as well as to the return frontages along both side roads. This demonstrates that the proposal meets the requirements of Policy DM13 for an active frontage to be maintained.

7.12 Given the mixed scale of the development in this area and the edge of town centre location there is no objection to the principle of a mixed-use scheme with housing behind the commercial units and at the upper floors in this location given the broad range of development in this area including a number of other flatted blocks of a similar scale. The proposal for housing, including family housing is also acceptable given the shortfall of housing in the City. The principle of the development is therefore acceptable in this regard.

Residential Accommodation Mix

7.13 Policy DM7 states that '*the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes.*'

7.14 The Policy sets out the desired mix of dwelling types and sizes in all new major residential development proposals. This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The preferred mix for major schemes and for the proposed development is as follows:

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Policy DM7 preferred market housing mix	9%	22%	49%	20%
Proportion of proposed dwellings	8/34 23.5%	19/34 56%	7/34 20.5%	0 0%

7.15 Whilst the proposal does not fully conform with the preferred dwelling mix as set out in the policy, it does provide a good mix of unit sizes including 7 x 3 bed, 4 and 5 person flats (20.5%), which are suitable for families. Given the form of the development and its location on the edge of the town centre, this mix is considered to be acceptable in the specific circumstances of this case and the proposal is acceptable and policy compliant in this regard.

Affordable Housing

7.16 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10-49 dwellings which should be split 60:40 between affordable rented and shared ownership units. Were it to apply here, a policy compliant provision would be 7 dwellings, comprising 4 affordable rented units and 3 shared ownership units.

- 7.17 The financial viability assessment (VA) submitted with the application concludes that a contribution to affordable housing is unviable in this case. The Council has had this document independently reviewed by BNP Paribas which verifies that the scheme cannot support any affordable housing contribution. Assuming a developer profit of 17.5% the independent viability review concluded that this scheme would have a projected deficit of -£0.44m. The lack of any affordable housing contribution in this case is therefore justified, however, the applicant has agreed to include a late-stage viability review mechanism in the S106 legal agreement which requires that a second independent viability review is undertaken later in the construction process to determine whether the viability position of the development has changed and therefore whether a contribution can then be made towards affordable housing. If found to be viable at that later stage, 60% of any surplus would be paid to the Council as the affordable housing contribution for the scheme.

Summary

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

Design and Impact on the Character of the Area

- 7.19 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.20 Paragraph 126 of the NPPF states '*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'
- 7.21 Policy DM1 of the Development Management Document states that "*all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.*
- 7.22 Policy DM5 of the Development Management Document seeks to protect the character and significance of the City's heritage assets including non-designated heritage assets. In relation to locally listed buildings it states:
- 3. Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits.*
- 7.23 The site is located at the northern end of the Sutton Road local shopping area just south of the Greyhound Retail Park and on the periphery of the town centre. The area has a mixed character ranging from small scale traditional retail units with flats above to more modern buildings including large retail units and flatted blocks. To the southeast of the site is the locally listed Swanage Road church. The Co-op building to the southern end of the Sutton Road shopping centre is also locally listed.
- 7.24 The site spans the whole street block and currently contains a short terrace of traditional shops, a larger two storey flat roofed building and warehouse to the rear which have all been joined internally by the current carpet sales business. The site has an active frontage to

Sutton Road.

- 7.25 There is no objection to the loss of the existing buildings which are not listed buildings and have no particular architectural interest or to their replacement with a higher density mixed use development. At part 3, part 4 storeys in scale, the proposal is a step up in terms of height and scale from the existing buildings on the site, but the development has been designed as 3 distinct blocks linked by glazed cores with stepped frontages on all elevations. The top floor also has a significantly reduced footprint, is set back on all sides and is located towards the northern end of the development furthest away from the locally listed church and is clad with an alternative but complementary material. This overall arrangement significantly breaks up the massing of the development both vertically and horizontally, reducing its impact in the streetscene. The proposal also has a fully active frontage to Sutton Road and includes shopfronts to both return frontages around both junctions and retractable awnings, balconies, tall glazing and brick panelling/decoration which articulate the upper floors of the building and landscaping on all sides of the building which provides softening at its base. These details provide interest to the frontages, references the surrounding townscape and also helps to balance and off-set the increase in scale. Although the proposal is taller than the existing buildings on site, in the wider townscape the scale of the proposed building is not materially out of keeping or harmful in this varied context because of the way that the massing of the building has been broken down through the detailed design.
- 7.26 Overall, it is considered that the scale, form, layout and detailed design of the building would sit comfortably in this mixed context including within the setting of the locally listed church and Co-op building. The proposal is acceptable and policy compliant in these regards.

Amenity Impacts

- 7.27 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.28 The distance to the boundary of the closest residential property in St Ann's Road, No.91, is over 15.5m and the development is a further 3m to the nearest window of this neighbour. The proposal is set back a further 6.2m from this neighbour at 3rd floor level. The closest section of roof terrace to this neighbour is some 17.8m and this largely faces onto the blank flank wall of No 91. The rear first and second floor balconies would be some 20.1m from the closest window of No 91 and the main area of the 3rd floor roof communal terrace is over 22m from No 91's rear amenity space. The distance between the development and the closest properties in Maldon Road (No.92-94) is some 66m. In all other locations the proposal would face the street and public frontages of the surrounding developments which are already open to public gaze.
- 7.29 These distances and relationships are sufficient to ensure that the proposal would not have an unacceptable impact on the amenities of any of these neighbours in terms of outlook, sense of enclosure, dominance, overbearing, impact on light or overlooking or loss of privacy. This conclusion is also verified by the submitted Daylight and Sunlight Report completed in accordance with BRE (Building Research establishment) guidance which states '*the numerical results in this study demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion the development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.*'

- 7.30 In terms of noise and disturbance, 7 of the 36 car parking spaces for the proposal would adjoin the boundaries of properties in St Ann's Road, however, the proposed parking area is located in the same place as the existing commercial car parking for the carpet business, so this is an existing situation for the neighbours. Additionally, the proposed retail units have a much smaller footprint than the existing carpet business and this is likely to mean less deliveries to the rear of the building. It is therefore likely that overall, the noise and disturbance for the neighbours would not be significantly worse than currently exists and may even be an improvement. In any event it is not considered to be a materially harmful aspect of the proposal. A condition can be imposed to ensure that details of any new plant, and associated noise reports, for the commercial units are submitted and approved by this LPA prior to installation in the interests of the residential amenity of adjoining and nearby residents.
- 7.31 On the above basis it is considered that the proposed development is acceptable and would comply with national and local planning policies in relation to neighbour amenity.

Standard of Accommodation

- 7.32 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms.

- 7.33 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace, bedroom size and storage sizes. The required overall sizes for residential units and the minimum standards for bedrooms are shown on the following table.

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings
1b	1p	39 (37) *
	2p	50
2b	3p	61
	4p	70
3b	4p	74
	5p	86
	6p	95

- 7.34 All dwellings within the proposal meet the required standards and are acceptable and policy compliant in regards to flat and bedroom sizes.

Light, Privacy and Outlook

- 7.35 The Daylight and Sunlight Study submitted with the application concludes that the proposed development design achieves a very high level of compliance with the BRE recommendations. Only a small number of rooms do not fully meet the guidelines – there are a handful of instances (6 out of 34) where a small part of an 'L' shaped kitchen within the centre of the development will receive no direct sunlight but these units do receive direct sunlight to the majority of their kitchen areas. Around 93% of rooms achieve or surpass the daylight targets with only 7 out of 101 rooms falling short but in all except 1 this relates to the kitchen area only of an open plan arrangement. Overall the proposal is considered to achieve good levels of daylight and sunlight for this type of development in an urban context.

The proposal is therefore acceptable and policy compliant in this regard.

Noise and Disturbance

- 7.36 The site is close to Sutton Road which is a busy vehicular route. An acoustic assessment has been submitted with the application to assess the impacts of these noise sources on the new development. The report concludes that 'The design of the development is considered to be acceptable subject to the adoption of acoustically upgraded glazing and a mechanical ventilation heat recovery system (MVHR) ventilation for the apartments.' This can be secured via condition. In terms of the amenity areas, the report notes that the balconies and terraces on the eastern elevation fronting Sutton Road would exceed the recommended noise levels, however, this needs to be balanced against the benefit of providing private amenity space for each dwelling. Whilst this may not meet the guidelines in all cases, the residents also have the option of using a quieter communal amenity space on the roof of the building. Therefore, the amenity provision is considered overall to be acceptable.
- 7.37 It is noted that some of the units have living areas under or over bedrooms of neighbouring units. In this situation the Environmental Health Officer advises that additional floor/ceiling sound insulation should be installed to prevent undue noise and disturbance between apartments. An informative can be added to this effect.
- 7.38 The Council's Environmental Health Officer has also advised that if the proposed commercial units were to be used as a gymnasium further noise and vibration mitigation measures would be needed to protect the amenity of residents. This matter can be controlled by condition. Similarly, a noise report will need to be submitted in relation to any plant installed in association with these commercial units. Conditions are also required to control the opening hours and delivery times for the commercial units and details of external lighting to ensure that these are not unreasonable to protect the amenities of residents of the development and their neighbours. As the uses are unknown, opening hours of 07:00 to 22:00 have been proposed which are considered acceptable and reasonable given the location of the site.
- 7.39 Subject to these conditions and informatives, it is considered that the proposal would be acceptable and policy compliant in the above regards.

M4(2) and M4(3) – Accessibility

- 7.40 Policy DM8 requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards and requires 10% of the units (4 units) to meet the Building Regulations M4(3) wheelchair compatible requirements. This includes providing 4 disabled parking spaces and a lift to all flats. Lifts are proposed. The plans show that units 1,2,4 and 5 are Building Regulations M4(3) compliant. The remainder are Building Regulations M4(2) compliant. This can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Amenity Provision

- 7.41 All the proposed dwellings have a private balcony or terrace of between 6sqm and 36sqm. There is also a communal roof terrace of 235sqm. This will provide adequate amenity space for all residents. Subject to the agreement of landscaping details for the terrace, the proposal is acceptable and policy compliant in this regard.
- 7.42 Overall, it is considered that, subject to the conditions noted above, the proposal will provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy

compliant in this regard.

Traffic and Transportation Issues

- 7.43 The NPPF states (paragraph 111) that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”*
- 7.44 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.
- 7.45 Policy DM15 of the Development Management Document states: *“All development should meet the parking standards (including cycle parking) set out in appendix 6. 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. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity.”* The standard for flats set out in Appendix 6 of Policy DM15 is a minimum of 1 parking per unit and 1 cycle space per unit. The commercial units will be Use Class E (Commercial, Business and Service) which could include a range of town centres type uses so it is not possible to attribute a parking standard for these units. However, it is noted that all parking standards for commercial uses, as set out in the Development Management Document are expressed as maximum only (ranging from 1 space per 6sqm to 1 space per 40sqm within the central area) with no minimums. The cycle parking standard for commercial units is more consistent and generally set at 1 space per 100sqm of floorspace.
- 7.46 The site is close to the Sutton Road bus routes, within a secondary shopping frontage, close to local amenities and within reasonable walking distance of Southend Town Centre and railway stations. There is publicly available on street parking on Sutton Road directly opposite the site and within the district centre generally. 36 car parking spaces, including 4 spaces for disabled users, are proposed in the rear of the development. 34 of these will be allocated to the flats plus 2 additional spaces for visitors. 20 of the 34 parking spaces, including all the disabled spaces, will have access to an active EV charging point and the remainder of the spaces will have passive EV infrastructure. This is a satisfactory provision for this development. Given the sustainable location, availability of public parking on Sutton Road and likelihood of linked trips and that the standards are maximums only, the absence of any dedicated off-street parking for the commercial units is justified in the specific circumstances of this case. Overall, the parking provisions at the site are considered to be acceptable and policy compliant for the development proposed.
- 7.47 A Transport Statement has been submitted with the application. This predicts that there would be less traffic generated by the proposed development compared to the existing retail use on the site (over 350 less movements per day). This data has demonstrated that the proposal will not have a detrimental impact on the local highway network.

Cycle Storage

- 7.48 Policy DM15 sets a standard of a minimum of 1 cycle space per dwelling plus 3 additional cycles spaces for the commercial uses. The submitted Transport Statement comments that at least 37 cycle parking spaces (34 for the flats and the option of 3 for the commercial units) will be provided within the building using a two-tier cycle parking system which enables a significant number of cycles to be stored in a small space. There is also the option for separate cycle storage within the commercial units themselves if this is needed as they are

of a generous size. The Council's Highways Officer has raised no objections to this provision. This is therefore acceptable and the proposal is policy compliant in this regard.

Travel Information Packs

- 7.49 A proposal of this scale is required to provide Travel Information Packs to new residents so that they are made aware of alternative travel options. This can be secured within the S106 agreement. The proposal is acceptable and policy compliant in this regard. In this instance the Council's Highways Officer has not required a Travel Plan given that there is a policy compliant level of parking proposed at the site.

Refuse and Recycling

- 7.50 The Southend Waste Management Guidelines for developments of 31-35 flats recommend 3 x 1100 litre bins for recycling, 4 x 1100 litre bins for general waste plus card and food waste containers as required. No standards are given for commercial uses as this is provided on a case-by-case basis. A Waste Management Strategy has been submitted with the application and the submitted plans show 3 refuse and recycling stores within the building with provision for 13 x 1100 litre euro bins to serve the residential and commercial units. These will be collected from the car parking area to the rear. Additional refuse areas can also be accommodated within the commercial units if needed. This meets the Council's Guidelines and the proposal is policy compliant in this regard.

Servicing

- 7.51 Vehicle tracking has been provided to demonstrate that refuse vehicles and large delivery vehicles can navigate the rear parking area so the vast majority of the servicing will be undertaken from the rear. The largest delivery vehicles will use the kerbside in the side roads thereby avoiding the need to unload on Sutton Road. The Council's Highways Officer has raised no objections to this proposal. The hours for servicing can be controlled by condition to prevent harmful noise and disturbance of residents within the building and close to the site. It is recommended that these hours are restricted to 07:00 to 20:00 hours Mondays to Saturdays and 09:00 to 18:00 hours on Sundays nor at any time on Bank or Public Holidays. The proposal is therefore acceptable and policy compliant in this regard.

Construction Management Plan

- 7.52 The site is a significant size and will involve significant demolition close to neighbours. It is therefore reasonable to require a construction management plan to be submitted and agreed prior to the commencement of the works. This can be required by condition.

Summary

- 7.53 Overall, the proposal is therefore acceptable and policy compliant in terms of Traffic and Transportation subject to the described conditions.

Sustainability

- 7.54 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. The development includes

an element of commercial space but is predominately residential so the sustainability contribution of the proposal is best captured via the requirement to provide 10% renewable energy for the development.

- 7.55 An Energy Statement has been submitted with the application. This proposes the installation of a combined heat and power system to reduce energy demand and a 12.24 kWp PV array (approx. 34 x 360W panels) on the roof of the building which will supply 10,570.6 kWh/yr equivalent to 10.05% of the predicted energy needs for the development. This meets the requirements of Policy KP2. Water efficient fittings can also be secured by condition. The proposal is acceptable and policy compliant in this regard.

Sustainable Drainage

- 7.56 All major schemes are required to demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff. A Sustainable Drainage Assessment and supplementary details have been submitted with the application. The Lead Local Flood Authority and Anglian Water have reviewed these details and confirmed that they are broadly acceptable and that a full drainage scheme can be agreed by condition. The proposal is acceptable and policy compliant in this regard.
- 7.57 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regard to sustainable development and drainage.

Ecology, Trees and Landscaping

- 7.58 Core Strategy Policy KP2 and Development Management Document Policy DM2 require development to respect, conserve and enhance biodiversity.
- 7.59 The existing site is covered by either existing buildings or tarmac so has little ecological value. There is a row of semi mature trees on the northern boundary close to the Maldon Road frontage. These are self-sown and rather tightly spaced but do provide some greenery along this boundary. The site plan shows that these trees will be retained and supplemented by at least 7 additional trees on site which can be secured and agreed as part of the landscaping scheme condition.
- 7.60 The entrance from St Ann's Road to the south is close to two street trees. The Arboricultural Report submitted with the application states that, the proposal falls just outside of the root protection zone of the closest street tree and given the siting of the existing building, it is likely that the roots of this tree have developed parallel to the building. The proposal is set back over 1m from the existing building line to the south so the impact of the new development on the roots of this tree is considered to be acceptable. Tree trunk protection measures to protect the trees will be in place throughout the construction period and the Council's Arboricultural Officer has confirmed that this is appropriate in this instance.
- 7.61 The indicative landscaping plan includes landscaping to the side and front of the building as well as the rear and this is positive and will be important for the setting of the building and measures to enhance biodiversity. Full details of this planting can be agreed by condition.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 7.62 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), was adopted by Full Council on 29th October 2020, requires that a tariff of £137.71 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. The proposal is therefore considered to be acceptable and policy compliant in this regard.

- 7.63 Overall, subject to a condition requiring the tree protection measures to be implemented and site wide landscaping, including biodiversity enhancement measures, to be agreed, and the RAMS contribution to be secured, the proposal is acceptable and policy compliant in terms of trees, ecology and landscaping in all relevant regards.

Land Contamination

- 7.64 Records show that the previous uses of the site included ceramics, cement and asphalt manufacturing as well as a bakery and electric substation. It is currently used as a carpet warehouse. Environmental Health have confirmed that a condition requiring the submission of a phase 1 contamination risk assessment is warranted in this case to determine whether any remediation of the site is needed. Subject to this condition, the proposal is acceptable and policy compliant in this regard.

Planning Obligations

- 7.65 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.”*

- 7.66 Paragraph 58 of 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.’*

- 7.67 The National Planning Practice Guide makes it clear that *‘Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.’*

- 7.68 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."*

7.69 The following planning obligations have been agreed with the applicant:

- Secondary education contribution of £50,863.63.
- RAMS contribution - 34 x £137.71 = £4,682.14
- Provision of Travel Information Packs to all residents.
- Late-Stage Viability Review Mechanism in regards to Affordable Housing Provision (60% of any surplus).
- Monitoring fee of £1,000.

NHS Contribution

7.70 The NHS requested a financial contribution of £16,000 towards the delivery of GP services in the area. This figure, provided by the NHS is based on their identification of an existing deficit of GP services in the area and their predicted population increase of approximately 78 new residents as a result of the development. This figure is based on the average census household size of 2.3 people per dwelling, the requirement for 120sqm of surgery floorspace for every 1,750 patients and the average cost of new build extensions to health centres.

7.71 The Council's Supplementary Planning Document 2: Planning Obligations, confirms that funding for potential primary healthcare care is addressed through the Council's Community Infrastructure Levy (CIL), so funding for the NHS will be secured via CIL rather than planning obligations. The NHS has not made a case for exceptional circumstances which would justify an additional contribution to the NHS via the S106 process.

7.72 The contributions noted in paragraph 7.69 above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks this committee's approval subject to the completion of this agreement.

Community Infrastructure Levy (CIL)

7.73 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 4,060 sqm of which some 512sqm is commercial space, which may equate to a CIL charge of approximately £103,905.77 (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.

Equality and Diversity Issues

7.74 The Equality Act 2010 (as amended) imposes important duties on public authorities in the

exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Planning Balance and Housing Supply

- 7.75 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. 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. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. This proposal would provide 34 new dwellings for which there is an identified need including 7 family sized units and 4 wheelchair accessible units. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

Conclusion

- 7.76 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the redevelopment and mixed-use proposal is acceptable. The proposed design, and scale of the development would have an acceptable impact on the character and appearance of the site, the streetscene and the wider surrounding area. Subject to conditions the proposal would have an acceptable impact on the amenities of neighbours. The proposal would provide an acceptable standard of accommodation for new occupiers. There would be no significant harmful traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability and ecology.
- 7.77 The proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to the completion of a S106 legal agreement and conditions. Should Members identify harm then this needs to be balanced against the public benefits of the proposal. This proposal creates new housing, therefore, when assessing any harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework 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.

8 Recommendation

8.1 Members are recommended to:

(a) That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Secondary education contribution of £50,863.63.
- RAMS contribution - 34 x £137.71 = £4682.14.
- Provision of Travel Information Packs to all residents.
- Late-Stage Viability Review Mechanism in regards to Affordable Housing Provision (60% of any surplus).
- Monitoring fee of £1,000.

(b) That the Executive Director (Growth and Housing), Director of Planning or Service Manager - Development Control be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below:

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 0-001A, 0-002A, 0-200G, 1-001A, 1-200D, 1-201F, 1-202E, 1-203C, 1-204C, 1-210D, 1-211C, 2-001A, 2-200C, 2-201C, 2-210C, 3-200C, 4-200C.

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

03 Notwithstanding the details shown on the plans and the materials schedule submitted and otherwise hereby approved, no construction works other than demolition 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 development, including walls and associated brick decoration; roof including coping; windows and doors including entrance curtain walling; signage details; waste and recycling store doors; shopfronts including awnings and fascias and rainwater goods have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is first occupied or brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the National Design Guide (Rev 2021) and the Southend-on-Sea Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, none of the units hereby granted consent shall be occupied unless and until the design details, materials and specifications for the privacy screens for all linked balconies and the design of the balustrading for the roof terraces and balconies, including balustrades, floor, underside, screens and any acoustic attenuation measures, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The enclosures shall be implemented prior to occupation of any of the units and shall thereafter be retained for the lifetime of the development in accordance with the approved

details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved landscaping works shall be carried out prior to first occupation of the development. The details submitted shall include, but not be limited to:

- i. Existing and proposed finished site levels or contours.**
- ii. Details of all means of enclosure of the site including any new gates or boundary walls and fencing.**
- iii. Hard surfacing materials for forecourt and vehicle access, turning and parking areas and the roof terraces.**
- iv. Full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and management plan including planting to the sides and front of the building to provide softening in the streetscene, in the car parking area and on the communal roof terrace.**
- v. Details of any other landscaping structures such as seating areas, pergolas and play areas on the communal roof terrace.**
- vi. Measures to enhance the biodiversity of the site.**

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

06 The tree protection measures, as set out in Section 3 of the submitted Arboricultural Impact Assessment by Andrew Day Arboricultural Consultancy revision 01 dated 27/09/22 and associated tree protection plan, in relation to the trees identified as T1 and T2 in this statement, including the protective trunk hoarding, shall be implemented in full prior to commencement of the development and be retained as such throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard BS3998 and British Standard BS5837 including supervision of works by a qualified arboriculturist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

07 The 36 car parking spaces, including 4 disabled spaces, and the associated amended vehicular accesses for users of the spaces to access the public highway at the site and the reinstatement of crossovers onto Sutton Road, St Ann's Road

and Maldon Road, as shown on approved plan 0-200G, shall be provided/carried out and made available for use prior to the first use or the first occupation of any of the development hereby approved. The car parking spaces and the associated vehicular accesses to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. 20 parking spaces, including the 4 disabled spaces, shall have access to an active electric vehicle charging point. The remaining 16 parking spaces shall have passive provision for electric vehicle charging.

Reason: To ensure that satisfactory off-street car parking and access arrangements are provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15, the Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 08** The development hereby approved shall not be occupied unless and until space for at least 37 secure, covered cycle parking spaces to serve the development and its visitors have been provided as shown on drawing 0-200G, or in such other on site location alternatively agreed by the Local Planning Authority under the scope of this planning condition, and have been made available for use in full accordance with the approved plans by the occupiers of the development hereby approved and their visitors. The approved cycle parking scheme shall thereafter be permanently retained for the lifetime of the development.

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 09** The development hereby approved shall not be occupied unless and until the three refuse stores to serve the development as shown on drawing 0-200 G have been provided at the site in full accordance with the approved plans and the Waste Management Strategy reference 3021014.D.2A and made available for use by all occupiers of the development hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development.

Reason: To ensure that adequate refuse and recycling storage is provided and retained to serve the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM8 and DM15 of the Development Management Document (2015).

- 10** The renewable energy proposals for the development hereby approved shall be carried out in full accordance with the recommendations set out in section 4 of the Energy and Sustainability Statement by Watt Energy & Consulting Engineers dated 29 November 2022 including the installation of 12.24 kWp of PV cells (equivalent to 34no x 360W panels) or any other details that have been previously submitted to and agreed in writing by the Local Planning Authority under the terms of this condition. These renewables shall be implemented at the site prior to the first use or first occupation of the development and retained as such for the lifetime of the development thereafter.

Reason: To minimise the environmental impact of the development through

efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 11 Prior to the first occupation of the development hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained as such for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 12 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 4 of the flats hereby approved comply with the building regulations M4 (3) 'wheelchair user dwellings' standard and the remaining 30 flats comply with the building regulations M4(2) 'accessible and adaptable dwellings standard.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 13 The development hereby approved shall be carried out in full accordance with the noise mitigation measures set out in paragraph 9.3 of the Façade Noise Exposure Assessment by HA Acoustics reference HA/AD238/V1.2 dated 13.3.23 to ensure that the internal noise levels in habitable rooms within the approved flats are in accordance with the ProPG guidance and British Standards BS4142. These mitigation measures shall be implemented prior to the first occupation of the development and shall be retained as such for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on the main road to the east of the site would not be detrimental to living conditions of neighbouring and future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 14 Prior to the occupation of the development hereby approved a scheme for alternative means of ventilation and air cooling and heating in relation to the Mechanical Ventilation and Heat Recovery (MVHR) system proposed for the development must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must demonstrate that:

- The alternative means of ventilation and cooling will not compromise any noise protection measures.
- The alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants.

- The alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents:

- CIBSE Guide A 2015 - Environmental Design,
- CIBSE TM52 2013 - The limits of thermal comfort: avoiding overheating in European buildings, and
- CIBSE TM59 2017 - Design methodology for the assessment of overheating risk in homes.

The scheme must be designed to complement the agreed noise mitigation scheme Façade Noise Exposure Assessment by HA Acoustics dated 20 July 2022 reference HA/AD238/V1.1. The approved alternative means of ventilation and cooling shall be installed in full accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure the resulting noise from the traffic on the main road to the east of the site would not be detrimental to living conditions of neighbouring and future occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 15 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation or for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Class E with the exception of use as a gymnasium within Class E(d) of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and amenities of the area including because a gymnasium use could present noise and vibration characteristics and impacts potentially harmful to residential amenity which would warrant further detailed assessment all in accordance with Policies CP1, KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM11 and DM3 of the Development Management Document (2015).

- 16 The commercial ground floor units hereby approved shall not be open for customers outside the following hours: - 0700 hours to 2200 hours on any day.

Reason: To protect 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).

- 17 No deliveries or refuse or recycling collections shall be taken at or despatched from the ground floor commercial units hereby approved outside the hours of 07:00 to 20:00 hours Mondays to Saturdays and 09:00 to 18:00 hours on Sundays nor at any time on Bank or Public Holidays.

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with Policies KP2 and CP4 of the Core

Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

- 18 No plant or ventilation equipment for the ground floor commercial units (use class E) hereby approved shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures required and proposed in respect of noise impacts on the nearest noise sensitive properties have been submitted to, and approved in writing by, the Local Planning Authority under the terms of this condition. With reference to British Standards BS4142 the noise rating level arising from all plant and ventilation equipment shall be at least 10dB(A) below the prevailing background levels at 3.5m from the ground floor facades and 1m from all other facades of the nearest noise sensitive property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, that are liable to cause the noise to be a nuisance etc.**

In order to establish background noise level a representative survey shall be undertaken in accordance with British Standards BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties so that noise will not cause a statutory nuisance. This shall be undertaken by a suitably competent person.

Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900**
- Evening 1900 to 2300**
- Night 2300 to 0700**

Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. Heating and ventilation shall be in accordance with current guidance from DEFRA and the Heating and Ventilating Contractors' Association (HVCA) For Kitchen Ventilation Systems. The use hereby permitted shall not take place other than in accordance with these approved details.

The installation of the plant and ventilation equipment shall be carried out only in full accordance with the approved details and specifications and any noise mitigation measures shall be undertaken in accordance with the agreed details before the plant and ventilation equipment is brought into first use and shall be operated and maintained as such thereafter for the lifetime of the development.

Reason: To protect the amenities of the occupiers of the development and neighbouring occupiers from undue noise and disturbance in accordance with Core Strategy (2007) Policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 19 Notwithstanding the details submitted within the SUDS strategy by Marks Heeley Ltd dated November 2021 and as shown on the plans submitted and otherwise hereby approved, no drainage works shall be undertaken at the site unless and until a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority under the terms of this condition. The approved scheme shall be implemented at**

the site prior to the first occupation of the development. The scheme shall address the following matters:

- i. An agreement in principle for Anglian Water regarding the surface water connection point.
- ii. Updated drainage modelling calculation outputs to be provided with the following parameters amended. Please note these are for review only given the system has been designed to a 1:100 year storm standard:
 - Cv (volumetric run-off coefficient) values set to 1.0 for all storm simulations.
 - Maximum rainfall amount set to the maximum allowed by the software or 500 mm/hr, whichever is lowest.
 - The Additional Storage factor should be set to 0 unless conclusive evidence is provided to justify why this has been modelled using 20 m³/ha.
 - Urban creep to be set at 10%.
- iii. A scheme for on-site foul water drainage works, including connection point and discharge rate.
- iv. Details of how surface water will be managed during the construction phase including the phases of drainage installation relative to wider works.

No hard-standing areas shall be constructed until the works hereby approved have been carried out in accordance with the agreed strategy.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

20 No development shall take place, including any works of demolition, until and unless a Construction/Demolition Method Statement and Management Plan has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding;
- v. a Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction. This should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent;
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- vii. measures to mitigate noise disturbance during the development;
- viii. details outlining how surface water will be managed during the construction phase including details on the phasing of drainage installation relative to wider works.

Reason: This pre-commencement condition is required to minimise the environmental impact and disturbance to existing residents, during construction of the development in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

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

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

22 A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall commence other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of any underground tanks and old structures until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- i a survey of extent, scale and nature of contamination;**
- ii an assessment of the potential risks to:**
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- iii an appraisal of remedial options, and proposal of the preferred option(s).**

B. Site Remediation Scheme

The development hereby permitted shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended uses by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Remediation Implementation and Verification

The development hereby permitted shall not commence other than that required to carry out the agreed remediation unless and until the measures set out in the approved Remediation scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority under the terms of this condition. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified the development must stop and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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

23 No external lighting shall be installed on the development or within the parking, access or landscaped areas of the development hereby approved other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light" and "PLG05 The brightness of illuminated advertisements." All illumination within the site shall be retained in accordance with the approved details.

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

(c) In the event that the planning obligation referred to in part (a) above has not been

completed before 5th May 2023 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for secondary education, biodiversity mitigation or Travel Information Packs and a viability review mechanism for a late stage affordable housing viability review and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

Positive and Proactive Statement:

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:

- 01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk 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 (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).
- 02** 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 City.
- 03** This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The

agreement relates to the provision of a financial contribution in relation to education, a financial RAMS contribution, the provision of Travel Information Packs, late stage affordable housing viability review and monitoring of the agreement.

- 04 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- 05 Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's Building Control Department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.
- 06 The applicant is advised that an enhanced scheme of sound insulation should be installed where there is the potential for nuisance from noise transference within the development due to the juxtaposition of living rooms and bedrooms.
- 07 The applicant is advised that if construction of the development requires a crane or piling rig, this will need to be safeguarded separately and, dependant on location, may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.
- 08 The applicant is encouraged to make the car park a one-way system with access to the site via Maldon Road due to the one way systems in the area.