

Reference:	23/00265/OUTM	
Application Type:	Outline Application Major	
Ward:	Milton	
Proposal:	Erect 5 storey building comprising of 22 self-contained flats (Class C3) commercial units at ground floor level (class E), community/residential space with first floor amenity deck, ancillary bike and bin stores and landscaping (Outline Application)	
Address:	Empire Theatre, Alexandra Street, Southend-on-Sea, Essex, SS1 1BU	
Applicant:	Mr Kotecha	
Agent:	Mr Steven Kearney of SKArchitects	
Consultation Expiry:	19.10.2023	
Expiry Date:	19.12.2023	
Case Officer:	Oliver Hart	
Plan Nos:	262-P101 Rev A; 262-P102 Rev E; 262-P103 Rev C; 262-P104 Rev C; 262-P105 Rev B; 262-P106 Rev B; 262-P108 Rev A	
Supporting Documents:	<p>Design & Access Statement Rev A (dated January 2023); Computer Generated Images 1-4; SUDs Statement (by HJ Structural Engineers Ltd. dated April 2023); Residential Market Report (by redloft, dated June 2023); Daylight and Sunlight Report (within development) by Right of Light Consulting Ltd. (dated 27 September 2023); Daylight and Sunlight Report (neighbouring properties) by Right of Light Consulting Ltd. (dated 17 October 2023); Waste Management Statement by SK Architects Ltd. (dated February 2023); Transport Assessment by ttp consulting (dated February 2023); Biodiversity and Sustainability Statement by SK Architects Ltd. (dated February 2023); Environmental Noise Impact Assessment Report Rev A (by es acoustics, ref 20294.ENIA.RPT.01, dated 15 February 2023); Preliminary Ecological Appraisal by Arbtech Issue 2 (dated 11/10/2023); Sitecheck Assess by Landmark (ref 307165997, dated 14 February 2023)</p>	
Recommendation:	<p>DELEGATE to the Executive Director (Environment and Place), Director of Growth and 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)</p>	



1 Site and Surroundings

- 1.1 The application site is mainly empty with the south-east corner currently occupied by the remnants of a largely demolished former theatre/cinema building. The previous building was demolished at some point in 2017 or 2018. Historically, the site was occupied by the Rivoli café and cinema. The site has two frontages, to the south on Alexandra Street and to the north on Clarence Street. The eastern part of the site has a Public Right of Way (PRoW) linking Alexandra Street and Clarence Street.
- 1.2 The surrounding area contains mainly three-storey buildings, some with a fourth storey in their roof, and are of traditional design. Their use is mixed, typically with commercial uses at ground floor and some residential uses above, which is characteristic of the town centre location.
- 1.3 The site is within the Clifftown Policy Area and the Town Centre Primary Shopping Area as defined in the Southend Central Area Action Plan (SCAAP). The south frontage of the site is designated as Secondary Shopping Frontage. The buildings to the west are designated as Frontages of Townscape Merit. Alexandra Street is identified as an area for key public realm improvements. The nearest boundary of Clifftown Conservation Area is some 80m to the west of this site.

2 The Proposal

- 2.1 Outline planning permission is sought for access, appearance, layout and scale for a mixed-use development comprising two blocks, measuring up to 44.2m in depth, 18.8m in width and up to 16m in height. The taller block (at 5-storey scale) would be to the south along Alexandra Street and the smaller block (at 4-storey scale) would have its frontage to the north, along Clarence Street. In the middle there would be a platform/podium rising at 4.9m high, creating a separation distance of some 12.75m between the two blocks. The proposed development would be finished externally in red face brick.
- 2.2 The design of the proposal has been amended during the course of the application, removing an additional storey initially proposed to either block, and providing additional detailing to the flanks of the blocks. Consequently, the building would now accommodate 22 flats, 6 commercial units, 2 community spaces (one at ground and first floor) and 3 communal areas for the proposed flats with associated cycle parking and bin storage. The proposal would comprise the dwelling mix and uses shown on Table 1 and Table 2 below.

Table 1: Housing mix

Number of Bedrooms	Number of units	Units – Percentage of total (%)
1	8	36.3
2	10	45.5
3	4	18.2
Total	22	100

Table 2: Other floorspace mix

AREA SCHEDULE		
SPACE	TYPE	AREA
UNIT 1	COMMERCIAL	40m ²
UNIT 2	COMMERCIAL	68m ²
UNIT 3	COMMERCIAL	40m ²
UNIT 4	COMMERCIAL	65m ²
UNIT 5	COMMUNITY	42m ²
UNIT 6	COMMERCIAL	80m ²
UNIT 7	COMMERCIAL	59m ²
GYM	RESIDENTIAL	50m ²
YOGA	RESIDENTIAL	43m ²
HOT DESKING	RESIDENTIAL	58m ²
COMMUNITY SPACE	RESIDENTIAL	37m ²

- 2.3 Level access between all floors would be provided by lifts shown at ground floor close to the proposed main street access. The submitted plans specify 3 units would comply with building

regulation M4(3). Outdoor amenity space would be provided predominantly in the form of private balconies and a communal garden area positioned on the central platform/podium area between the blocks.

- 2.4 Whilst landscaping is a reserved matter for later consideration, information has been provided showing indicative tree planting to the south of the site, to the north-east of the site and within the central communal amenity area.
- 2.5 No car parking would be provided at the site. Within dedicated areas with electric charging provision at ground floor level there would be 28 cycle parking spaces for residents and 4 cycle parking spaces for the proposed commercial units. Separate residential and commercial bin storage areas would also be provided at ground floor level. Ancillary residents' facilities inclusive of a residents' gym, hot desking space and a meeting room are also part of the proposal.

3 Relevant Planning History

- 3.1 The most relevant planning history for this application is shown on Table 3 below:

Table 3: Relevant planning history of the Site

Refence	Description	Outcome [Date]
16/01495/DEM	Demolish existing building (Application for Prior Approval for Demolition)	Prior Approval Granted [07.09.2016]
17/01319/FULM	Erect four storey building comprising 24 self-contained flats with balconies and terraces, associated amenity space, form parking, form commercial units (Use Classes A1, A2 and A3) and a non-residential institution unit (Class D1) fronting Clarence Street at ground floor level	Permission Granted [25.07.2017]

4 Representation Summary

Public Consultation

- 4.1 110No neighbouring properties were consulted, a site notice was displayed and a press notice was published for the original and the amended proposal. 2No representations have been received objecting to the proposal and are summarised as follows:

- Overbearing form of development;
- Scale, mass and detailed design out of keeping with character of the area;
- Overlooking and loss of privacy concerns;
- Loss of light and outlook concerns;
- Parking concerns;
- Noise and disturbance concerns from bike store location;
- Noise, disturbance and odour concerns from refuse store location.

Milton Conservation Area Society

- 4.2 Objection raised on the following basis.
- The mass and scale of the building would be incongruous in the two roads and would break the existing urban grain.
 - This proposal is located in a distinctly low-rise part of our city and would create great

harm to the local grain.

- Detailed design and form of the development is inappropriate and extremely dominant and harmful to the 'Frontages of Townscape Merit'.
- The proposal conflicts with the local plan, the SCAAP and the Design and Townscape guide, most particularly in terms of context and character.
- There is no parking provision which is contrary to the local plan.

[Officer comment]: The comments in the representations following public consultation and from the Milton Conservation Area Society have been taken into consideration in the assessment of the application where they raise relevant planning matters but are not found to be justifiable reasons for refusing planning permission in the circumstances of this case.

Lead Local Flood Authority (LLFA)

- 4.3 No objections subject to conditions requiring submission of additional information regarding drainage.

Environmental Health

- 4.4 No objections subject to conditions relating to Land Contamination, Noise Mitigation and Noise from Plant and Equipment, a Construction Management Plan, Refuse and Recycling Details, Restriction of Delivery Hours for the Commercial Units, Restriction of Plant and Ventilation Equipment.

London Southend Airport (LSA)

- 4.5 No objection subject to maximum height of development not exceeding the height of the previous building before demolition or the height of 56.46m (AOD) and a condition requiring third party instrument flight procedure assessment (ILS).

Highways

- 4.6 No objections. The applicant has provided a robust transport statement to support the application. This includes sustainable travel options, TRICS analysis, census data and a proposed travel plan. The site benefits from being in a town centre location with good links to sustainable travel links, local services and public car parks. Secure cycle parking is provided. It is not considered that the proposal will have a detrimental impact on the local highway network. Future occupiers will not be eligible for a town centre or parking permit. A Travel Plan including travel packs will be required.

- 4.7 There is a public right of way (PROW) that will be affected as part of the development. Currently access is restricted along the length of the PROW. Any works that are undertaken will require the PROW to be stopped up to allow construction to take place on the understanding that improvements to the surface shall be made in consultation with the highway authority. There would be no objection to the above should this come forward.

Strategic Housing

- 4.8 The proposed development will deliver 22 dwellings, which will require a 20% affordable housing provision, equating to 5 homes. The most recent Housing Register data indicates the following dwelling mix is required: 3 x 1 bedroom; 2 x 2 bedroom. The required tenure split is as follows: 3 units in affordable rent and two units in shared ownership tenure.

Education

- 4.9 A financial contribution of £31,083.33 is required towards secondary education at Cecil Jones Academy.

[Officer comment: A planning obligation for a financial contribution towards secondary education is included in the recommended Heads of Terms from paragraph 8.78 onwards of this report.]

Health Care (NHS)

- 4.10 A financial contribution of £12,700 is requested for the benefit of patients of the Primary Care Network operating in the immediate area.

[**Officer comment:** Funding for primary health care provision is achieved through CIL and as such a separate contribution has not been sought. See paragraphs 8.84 to 8.85 of this report.]

Design and Conservation Officer

- 4.11 No objections raised following amendments.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it is a major development and officers do not consider prudent to deal with this under delegated powers.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2023)
- 6.3 National Design Guide (NDG) (2021)
- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.5 Core Strategy (2007) policies: KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space), CP8 (Dwelling Provision).
- 6.6 Development Management Document (2015) policies: DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM5 (Southend's Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix), DM8 (Residential Standards), DM9 (Specialist Residential Accommodation), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 6.7 Southend Central Area Action Plan (2015) Policy PA6 (Clifftown Policy Area Development Principles)
- 6.8 Southend-on-Sea Design and Townscape Guide (2009)
- 6.9 Technical Housing Standards Policy Transition Statement (2015)
- 6.10 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.13 Clifftown Conservation Area Appraisal (2022)

- 6.14 Guide to Section 106 & Developer Contributions (2015)
- 6.15 Interim Affordable Housing Policy (2016)
- 6.16 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

7 Planning Considerations

- 7.1 The main considerations in relation to and within the scope of this outline application are the principle of the development, design and impact on the character and appearance of the area including heritage assets, impacts on neighbours' residential amenity, living conditions of future occupiers, traffic and transportation matters, flood risk and drainage, sustainability, RAMS, equality and diversity considerations, CIL and developer contributions.

8 Appraisal

Principle of Development

Provision of Housing

- 8.1 National and local planning policy promote the effective use of land subject to safeguarding and improving the environment and local amenity. The NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 8.2 The figures of the Housing Delivery Test (HDT) and the Five-Year Housing Land Supply (5YHLS) show that there is a significant need for housing in the City. The South Essex Strategic Housing Market Assessment (SESHMA) shows that the City needs a higher proportion of family units.
- 8.3 The proposal would create additional housing including additional family units. The results of the HDT and the position on the 5YHLS weigh in favour of the proposal and the amount of housing would make a useful contribution to the housing stock of the City. The findings of the SESHMA significantly support the proposal.

Provision of employment and active frontage

- 8.4 Policy PA6 of the adopted Southend Central Area Action Plan (SCAAP) relating to the Clifftown Policy area, states that the Council will “*promote independent small-scale retail, boutiques, cafés, restaurants, bars and small studio style workshops to create an area with a strong cultural identity together with residential uses above ground floor level to reinforce the fine grain historic street pattern and character.*” With respect to this site, it is noted that part 2C of Policy PA6 states that the Council will seek to “*regenerate the site of the Empire Theatre with uses that contribute to the Policy Area’s aim, including cultural uses such as galleries and performance space, particularly at ground floor to create an active frontage.*”
- 8.5 The southern part of the site fronting Alexandra Street is located within a secondary shopping frontage and Policy DM13 of the Development Management Document states that ‘*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.*’

- 8.6 The proposal includes 108sqm of commercial floorspace fronting Alexandra Street and 140sqm of commercial floorspace fronting Clarence Street. These would provide an active frontage and a continuation of the link between Alexandra Street and the High Street to the east. These arrangements are considered to be policy compliant in regard to the nature and mix of uses thereby meeting the Council's development plan policies with particular reference to the Clifftown Policy Area.
- 8.7 A historic Public Right of Way (PROW) runs along the east of the site (north-south). Gates are presently in place to act as a temporary measure understood to tackle anti-social behaviour. It is understood the applicant seeks to re-open the PROW to enable pedestrian permeation through the site which, together with the general upgrading of this pedestrian route, is considered a positive aspect of the design. Separate highway legislation in this respect would apply.

Community use

- 8.8 The former use of the building on this site had been for leisure purposes and as such, it is considered that the use of the site represented a recreational facility. Demolition of the building took place under prior approval secured in 2016 such that there is now no community use present on the land. This materially reduces the weight to be attached to the requirement for incorporation of such 'recreational' floorspace. Notwithstanding, two units, one at ground and one at first floor (approximately 79sqm of floorspace) are identified within this proposal as for 'community' uses.
- 8.9 Compared with the nature of the previous use solely as a cinema, this proposal will enable the development to potentially accommodate a number of different community uses or groups within either a Class F1 or F2 Use, which relate to Learning and non-residential institutions and Local Community uses, thereby fulfilling the Council's aspirations of delivering cultural uses in accordance with the objectives of Policy PA6 of the Southend Central Area Action Plan. This element of the proposal is therefore found to be acceptable and policy compliant on this basis.

Dwelling mix

- 8.10 Policy DM7 of the Development Management Document seeks that residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the City's housing need and housing demand. The Council seeks to promote a mix of dwelling types and sizes as detailed below. The dwelling mix preferred by Policy DM7 as amended by the latest SESHMA compared to the proposal is shown in Table 4 below. Whilst Policy DM7's preferred mix needs to be considered, it is also the case that, since the adoption of Policy DM7, there has become an evidenced need for all types and sizes of dwelling within the City, a factor that must be given due weight in the assessment.

Table 4: Proposed and preferred policy dwelling mix by size

Type of unit	Number	Percentage	Policy (%)
One-bedroom flat	8	36.3%	18%
Two-bedroom flat	10	45.5%	30%
Three-bedroom flat	4	18.2%	35%
Four-bedroom flat	0	0%	17%
Total	22	100%	100%

- 8.11 The units proposed incorporate a mix of dwelling sizes, including three bed units capable of family occupation. It is considered that the dwelling mix would accord reasonably with the

higher density context of the site surroundings and the compact nature of the site. It would not unreasonably affect the character of the area in terms of flat sizes. The proposal would make a useful contribution to meeting the housing needs of the city and is considered to be acceptable and policy compliant in the above regards.

Affordable Housing

- 8.12 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 5 dwellings, comprising 3 affordable rented units and 2 shared ownership units.
- 8.13 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 blended developer profit of 16.65% the independent viability review concluded that this scheme would have a projected deficit of £2.71m. Even considering the notional costs involved in providing spaces within the development intended for a residents' gym, meeting room and hot desk area (the specific fitting out costs of which are not part of the viability assessment) there would remain a significant viability deficit. The absence 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 on the basis of the London Plan formula. This will ensure that the actual construction costs and achieved sale values will be considered to determine whether the viability position of the development has changed and therefore whether a contribution can then be made towards affordable housing. That would also provide control for the Council over any future material change in the nature of the intended residents' internal communal facilities. 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 up to a cap figure calculated in accordance with the Council's interim affordable housing policy.

Conclusion on principle of development

- 8.14 In the round, the principle of providing additional housing with some ground floor commercial and community uses on this site is considered acceptable.

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

- 8.15 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.
- 8.16 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.17 The site is at a point of transition from the High Street to the Clifftown Conservation Area further to the west. The site itself is within the SCAAP Clifftown Policy Area which is characterised by its fine grain and well-articulated buildings, many of which have heritage designations. Alexandra Street and Clarence Street are two of the most attractive and historic streets within the town centre, of which there are few. The buildings in the vicinity of the site are generally 2- to 3- storey terraces of a traditional design, with quality detailing and decoration and pitched

roofs.

- 8.18 The proposal has been reduced in scale during the course of the application, from 6 storeys to 5 fronting Alexandra Street and from 5 storeys to 4 fronting Clarence Street, linked by a raised and continuous ground floor. Both blocks are a simple box shape with tall windows, feature shopfronts and small inset balconies articulating the frontage.
- 8.19 The development is taller than the neighbours on both frontages (between 3.5m and 5.5m along the Alexandra Street frontage and some 4m along the Clarence Street frontage) but due to the variation in scale along Alexandra Street and the retention of separation to either flank, it is not considered to be to such a degree that it would harmfully dominate the streetscene. Windows to the side flanks enliven the frontages and will provide interest and articulation for the building where it is seen to project above the neighbours in views from the east and west on both streets.
- 8.20 The proposed layout of development is considered acceptable as it makes the best use of the site while maintaining and improving the built form's relationship to the public right of way and making a feature of it. The proposal for a range of small-scale commercial units is acceptable in this location which is characterised by small independent businesses and is therefore compatible with the broader setting. The proposed yard at the north-eastern part of the site would offer relief from the built form and allow for public or quasi-public realm enhancements and so would the proposed arches. The proposed pattern of development, which amongst other things responds positively to the presence of the PRoW, would follow the dense urban grain in this town centre location whilst respecting established building lines.
- 8.21 The successful integration of the development into the streetscene will rely on achieving high quality articulation and detailing and the use of good materials which complement the surrounding heritage, and this can be secured via an appropriately worded condition. Advertisement signage associated with the development and the commercial units is dealt with under separate legislation for which an informative is attached.
- 8.22 For the reasons noted above, it is considered that the proposed development would preserve the setting of the designated and non-designated assets, inclusive of the Clifftown Conservation Area (to the west and south) and the adjacent Frontages of Townscape Merit along both Alexandra Street and Clarence Street. The acceptable design along with the distance from the Clifftown Conservation Area boundary result in a development that would be acceptable when viewed from the conservation area, particularly considering that before the latest demolition a building which was taller than its surroundings had occupied the site since the early 20th century.
- 8.23 Landscaping is a reserved matter. However, plans show for information that the wider landscaped section fronting Clarence Street will include some trees to soften the development and enhance the outside space and setting of the building on this frontage and this is acceptable. Indicative tree planting is also shown to the front of the site on Alexandra Street which is a further positive aspect of the scheme and will soften the impact of the building into the streetscene in this location, including providing a more human scale reference at street level.
- 8.24 The removal of the gates (as discussed above at paragraph 8.7) to the pedestrian side access in association with the site's development is positive as it will allow continuous public access to this area so that it can fully contribute to the setting of the new development and amenities of the town centre. Details of hard and soft landscaping will be provided at reserved matter stage. Whilst gates are also shown in the current submission, the applicant has advised that they are decorative only, to provide definition from the street. Should the applicant wish to be able to control the access to the PRoW, they can apply through the relevant highway and legal

processes which sit separately outside the planning regime.

- 8.25 Overall, this proposal is considered to be appropriately scaled for this location and adequately designed and detailed from an aesthetic perspective. It is therefore considered to be acceptable and policy compliant in these regards.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.26 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

- 8.27 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.

Table 5: Minimum space standards

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted. A minimum ceiling height of 2.3m shall be provided for at least 75% of the Gross Internal Area.

Table 6: Proposed overall, bedroom and storage sizes.

Unit	Occupancy profile	Overall (sqm)	Bedroom 1 (sqm)	Bedroom 2 (sqm)	Bedroom 3 (sqm)	Storage (sqm)	Standards met Y/N
1	1-bed, 2-person	52	13.8	N/A	N/A	1.6	Y
2*	1-bed, 2-person	57	13.5	N/A	N/A	1.5	Y
3	2-bed, 3-person	51	12.9	8.3	N/A	2.2	Y
4	1-bed, 2-person	50	12.8	N/A	N/A	1.5	Y
5	2-bed, 3-person	61	11.8	8.2	N/A	2	Y

Unit	Occupancy profile	Overall (sqm)	Bedroom 1 (sqm)	Bedroom 2 (sqm)	Bedroom 3 (sqm)	Storage (sqm)	Standards met Y/N
6*	3-bed, 4-person	92	13.3	8.6	8.6	2.7	Y
7	3-bed, 4-person	76	13.2	7.6	7.5	2.5	Y
8	2-bed, 3-person	61	12.3	7.7	N/A	2.2	Y
9	1-bed, 2-person	50	11.8	N/A	N/A	1.5	Y
10	2-bed, 3-person	61	13.2	8.1	N/A	2	Y
11	1-bed, 1-person	40	7.7	N/A	N/A	1	Y
12	2-bed, 3-person	61	11.8	8.2	N/A	2	Y
13*	3-bed, 4-person	92	13.3	8.6	8.6	2.7	Y
14	3-bed, 4-person	76	13.2	7.6	7.5	2.5	Y
15	2-bed, 3-person	61	12.3	7.7	N/A	2.2	Y
16	1-bed, 2-person	50	11.8	N/A	N/A	1.5	Y
17	2-bed, 3-person	61	13.2	8.1	N/A	2	Y
18	1-bed, 1-person	40	7.7	N/A	N/A	1	Y
19	2-bed, 3-person	61	11.8	8.2	N/A	2	Y
20	2-bed, 3-person	63	13.6	8.7	N/A	2	Y
21	2-bed, 3-person	61	13.1	7.7	N/A	2	Y
22	1-bed, 1-person	43	8.2	N/A	N/A	1	Y

* Flats marked with this are M4(3) compliant.

8.28 All dwellings within the proposal would meet the required standards, including the bedroom and internal storage standards. The proposed units are acceptable and policy compliant for flat and bedroom sizes. The provision for ancillary services for future residents, noting the provision of a gym, hot desking and meeting spaces contribute to the overall residential offer. All residents will have access to these facilities.

8.29 The plans show that all habitable rooms will be provided with sufficient windows and openings to provide adequate ventilation and outlook. A Daylight and Sunlight Assessment has been submitted following the methodology within BRE guidance to assess the standards of light within the proposed dwellings. This document concludes that a high percentage of rooms (84%) would meet or exceed the recommendations of the BRE guidelines. The consultant considers this to be a good result for a large development in an urban environment. The 10 rooms which would not meet the guidelines, include the living/dining/kitchen areas of flats 1, 2, 5, 6, 12, 13, 19, 20 and the bedroom of flat 9. With the exception of flat 6, the other flats would be south-facing and have been designed so as to combat solar gain by being set back from the façade of the building. This is likely to result in a more ambient living environment for future occupants who will also benefit from sunlit external amenity spaces.

Amenity Space provision

- 8.30 In relation to the provision of amenity space, Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated."
- 8.31 All proposed units would be provided with private external amenity space in the form of balconies or terraces. Whilst the balconies are limited in scale (between 1sqm and 1.5sqm), regard is also had to the presence of the communal amenity area centrally located between the blocks (in excess of 200sqm). In the round, this is considered sufficient on account of the occupancy profile of the units and the context of the scheme as a high-density development in an urban environment.
- 8.32 The arrangement of the communal amenity space as proposed would be acceptable and would not result in any significantly harmful impact on the living conditions of future occupiers. The internal layout of the proposal is such that the communal amenity space is overlooked and sits adjacent to the communal facilities or community units.
- 8.33 The balconies to the rear of either block would maintain a separation distance of 11m. Balconies have been positioned in such a way that they are not sited directly opposite one another. This arrangement and separation is considered sufficient in the context of the scheme as a high density development in an urban environment where a degree of inter-looking can reasonably be expected.

Noise and Disturbance

- 8.34 The development's town centre location could potentially result in a harmful acoustic environment for future residents, particularly at lower floors. A noise survey report has been submitted with the application.
- 8.35 A mixed residential and commercial use is considered appropriate in this location provided that adequate measures and conditions are in place to ensure that internal noise levels (particularly the residential elements) are in accordance with the required standards. The noise report submitted with the application highlights that noise from traffic and other external sources including plant/equipment and also noise associated with the town centre night-time economy will result in elevated levels (above the standards) internally in the flats. Mitigation measures therefore will be required and appropriate measures (mechanical ventilation as an alternative to opening windows and enhanced glazing) have been proposed.
- 8.36 Where mechanical ventilation is to be installed, it will be important to ensure that this does not give rise to an additional increase in internal noise levels. The same applies with any air conditioning etc. to be installed in connection with the proposed commercial uses. Noise limits for external plant installations have been proposed by Environmental Health and can be secured by appropriately worded conditions.
- 8.37 Subject to conditions requiring compliance with the noise mitigation measures as detailed in the submitted report by ES Acoustics and compliance with the noise limits for external plant equipment, Environmental Health have not objected to the scheme on this basis.
- 8.38 As the uses of the commercial units are not known at this time, it is also considered relevant to impose a condition requiring any extraction/ventilation equipment needed for the preparation of food on the premises to be submitted to and approved by the Local Planning Authority. Moreover, it is also considered necessary and reasonable to impose a condition limiting the

operating hours of any outdoor seating areas for non-residential uses to avoid any potential noise and disturbance issues.

Land Contamination

- 8.39 No contaminated report has been submitted with this application. Environmental Health comment that although it is unlikely, the site is in close proximity to potentially contaminated land and, as such, needs such consideration and assessment. Therefore, a condition for a land contamination risk assessment is recommended.

M4(2) and M4(3) – Accessibility

- 8.40 Policy DM8 as amended by the Council's Technical Housing Standards Policy Transition Statement (2015) requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards and requires 10% of the units (3 units) to meet the Building Regulations M4(3) wheelchair compatible requirements. Lifts are proposed. The plans show that 3 units (marked with an asterisk on **Table 6** further above) would be Building Regulations M4(3) compliant. The remainder of the units would be Building Regulations M4(2) compliant. These arrangements can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.
- 8.41 Overall, subject to the described conditions the proposal would provide an acceptable standard of accommodation and is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 8.42 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.
- 8.43 The site is next to existing residential units on the upper floors of the buildings to the immediate east and west of the site, Nos 18-20 and 26-28 Alexandra Street and Nos 23-29 and 31-33 Clarence Street.
- 8.44 The application is supported by a Daylight and Sunlight assessment for third party impacts following the methodology within BRE guidance. The results show that all windows pass the Vertical Sky Component test, 125 of which will achieve a better level of daylight than they did when the Empire Theatre was in situ. All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements. Moreover, all gardens and open spaces tested meet the BRE recommendations. On this basis, the impact in relation to light and outlook on neighbouring properties is found to be acceptable.
- 8.45 The proposed development retains a separation to either neighbouring flank boundaries (between 2.1m to No 26 Alexandra Street and 9.2m to the boundary with Nos 23-29 Clarence Road). Given the absence of neighbouring habitable room flank windows facing into the application site and the limited projection of built form beyond the rear elevations of adjoining neighbours, the proposed development is not considered to appear as an unduly overbearing feature, nor would it create an unacceptable sense of enclosure.
- 8.46 In weighing up the impact from overlooking, regard is had to the high-density nature of

surrounding development which comprises predominantly flatted units and modest rear gardens and service storage yards which would experience a mutual degree of overlooking at present, not untypical for such an urban town centre location. The rear facing balconies are proposed to be set away from either flank boundary. Moreover, the separations from the rear of the balconies to the rears of neighbouring properties along Clarence Street and Alexandra Street would be a minimum of 15.5m. Together with the modest depths of the balconies which would limit their potential occupancy, it is not considered the balconies would introduce a significantly harmful degree of overlooking that would be unacceptable in the context of this high-density urban environment. The presence of flank windows proposed deep within the site to the sides of both blocks is considered to introduce a more extensive degree of overlooking and loss of privacy. To mitigate this impact, as these openings are secondary windows, a condition can be imposed to obscure glaze and fix shut these openings. On this basis the overlooking impact is considered acceptable.

- 8.47 A planning condition is also needed to require the submission of a construction management plan and to enable the Council to control the impact on neighbours' amenity arising from construction noise and other associated environmental considerations.
- 8.48 There is no amenity-based objection in principle to the introduction of a mix of commercial units in Class E uses in this town centre location as it is not considered that such uses would have an adverse impact on the amenities of neighbouring occupiers and suitable conditions can reasonably control potential noise and disturbance.
- 8.49 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.

Traffic and Transportation Issues

- 8.50 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."
- 8.51 Policy DM15 of the Development Management Document states: "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." The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport.
- 8.52 Assessed against the parking standards, the minimum car parking requirement for flats under Policy DM15 is one space per unit and the minimum cycle parking requirement is one cycle parking space per unit. For the commercial units, maximum standards of one car parking space per 15sqm are required. Policy DM15 also sets a standard of 2 cycle spaces for the commercial units.
- 8.53 Plans show 28 residential cycle parking spaces will be provided within a single store at ground floor. 4 cycle parking spaces for the commercial units are also shown within a single store at ground floor. An external bike stand for visitors to the development is also shown to the eastern boundary of the site. The Council's Highways Officer has raised no objections to this provision.
- 8.54 Policy DM15 also states 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.

8.55 No off-street car parking would be provided as part of the development. To support this position, the application includes a Transport Assessment (TA) by ttp consulting. The TA is based on the initial submission for 27 units however, whilst the scheme has been reduced down to 22 units during the course of the application, it is considered to remain relevant as the impact of the current proposal on the local highway network would be lower. As demonstrated in the TA's reproduced tables below, the site is in a highly sustainable location, close to the High Street, within walking distance of Southend Central Station and local bus stops (outlined below).

Table 7: Extract from TA – Tables 3.1 and 3.2 of the TA.

Table 3.1 sets out details of distances between the site and public transport opportunities and local amenities based on an average walking speed assumed to be 80m per minute.

Table 3.1 – Approximate Distances to Local Public Transport Opportunities			
Stop / Station	Location	Distance	Approximate Walking Time*
Alexandra Street	Alexandra Street	100m	1-2 minutes
Travel centre bus stops	Chichester Road	180m	2-4 minutes
Southend Central Station	Cliff town Road	270m	4-5 minutes
Southend Victoria Station	Victoria Avenue	910m	12-13 minutes

Local facilities and amenities including a school, banks, a post office, convenience stores and cafes are located a short walking distance from the site, a summary of which is shown in **Table 3.2**.

Table 3.2 – Approximate Distances to Local Facilities			
Amenity	Location	Distance	Approximate Walking Time*
Pulp Kitchen	Alexandra Street	50m	>1 minutes
Royal Fish & Chips	Alexandra Street	100m	1-2 minutes
Costa Coffee	High Street	100m	1-2 minutes
Royals Shopping Centre	Highstreet	150m	1-2 minutes
Tesco Express including ATM	The Royals Shopping Centre	150m	1-2 minutes
Iceland	York Road	210m	2-3 minutes
DPD Pickup Parcelshop	York Road	210m	2-3 minutes
Victoria Shopping Centre	High Street	800m	9-10 minutes
Ocean Lodge Independent School	Trinity Avenue	1km	12-13 minutes
*Based on 80m per minute			

8.56 The TA also highlights the presence of off-site parking. There are on-street parking spaces along Alexandra Street and Clarence Street with pay and display bays inclusive of disabled parking. In addition, there are public car parks, including the Alexandra Street car park opposite the site, Clarence Road car park (90m north-west of the site) and The Royals Shopping Centre car park approx.300m to the south-east.

8.57 The TA confirms that the residential trip generation assessment demonstrates there will be a change in the pattern of movements at the site. However, it is expected that the commercial element of the development will not generate new trips but those visiting will do so as part of a linked or pass-by trip. The assessment suggests that the proposed development will not lead to a detrimental impact on the public transport system or local highway network.

8.58 Highways staff have reviewed the transport assessment and raise no objections subject to the imposition of a condition requiring submission of a Travel Plan. It is reasoned that the applicant

has provided a robust transport statement to support the application, including sustainable travel options, TRICS analysis and census data. A Travel Plan and a monitoring arrangement will be agreed as part of the S106 agreement. The proposal's parking, traffic network and highway safety impacts are found acceptable on this basis.

Cycle Storage

- 8.59 The submitted plans show 28 residential cycle parking spaces will be provided within a single store at ground floor. 4 cycle parking spaces for the commercial units are also shown within a single store at ground floor. An external bike stand for visitors to the development is also shown to the eastern boundary of the site. The Council's Highways Officer has raised no objections to this provision which is compliant with the policy requirements.

Relationship with London Southend Airport (LSA)

- 8.60 The proposal would be the tallest structure in the immediate vicinity. LSA have been notified and raise no objections subject to an informative for the applicants to notify LSA of crane use prior to commencement of construction works.

Waste and Servicing

- 8.61 There are two separate bin stores proposed for the development, one for residential and one for commercial. There are 10No x 1100L Eurobins for the residential units which will be split between general waste, recycling and paper/card. 4No x 140L Food Waste Bins are also proposed. This is in general accordance with the recommended waste guidelines.
- 8.62 The Transport Assessment states that residential waste and recycling will be collected by the Council as part of their existing weekly collection regime, with refuse vehicles stopping on Chichester Road. Collection staff will have keypad access to the residential waste store.
- 8.63 The commercial waste store will provide 4No x 1100L Eurobins, 2No for general waste and 2No for recycling. Commercial waste will be collected via a private contractor, with vehicles expected to stop along Clarence Street.
- 8.64 No objections are raised to the proposed waste collection and servicing arrangements however, final details of waste and servicing will be required via condition.
- 8.65 Overall, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. The proposal is acceptable and policy compliant in the above regards.

Energy and Water Sustainability

- 8.66 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.
- 8.67 Details of renewable energy have not been provided. The roof plan details the provision of solar panels as the proposed means of renewable energy generation. This is acceptable in principle and a condition will be imposed for details to be submitted that demonstrate compliance with the 10% requirement. 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.

Flood Risk and Drainage

- 8.68 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 8.69 The site is within Flood Zone 1, the lowest risk zone, so is sequentially preferable for residential development. A drainage strategy has been submitted with the application which has been deemed sufficient by the LLFA for this stage of development. Additional detailed information is required and can be dealt with through a planning condition.

Ecology and Biodiversity

- 8.70 Policy KP2 of the Core Strategy states that all new development must 'respect, conserve and enhance and where necessary adequately mitigate effects on the natural and historic environment, including the city's biodiversity and green space resources; ensure that European and international sites for nature conservation are not adversely affected and contribute positively towards the 'Green Grid' in Southend.'
- 8.71 Policy CP4 of the Core Strategy seeks to contribute to the creation of high quality, sustainable urban environments by 'safeguarding, protecting and enhancing nature and conservation sites of international, national and local importance.'
- 8.72 Landscaping is a reserved matter for later consideration. Nonetheless, the submitted Biodiversity and Sustainability statement refers to planting of green roofs with wildflower mix to the areas of flat roof across the development as well as planting of new trees to the public square to the front. Whilst specific details have not been provided, they can be controlled by condition and would represent a net benefit when considered against the site circumstances at present.
- 8.73 A Preliminary Ecological Assessment has been carried out at the site. This has concluded that the site has little ecological value and that the proposed landscaping on the site is likely to result in a net gain in biodiversity.
- 8.74 Although there is no evidence of bats or birds, the report makes a number of recommendations to enhance biodiversity on the site through the incorporation of bat and bird boxes. These can be the built-in type which are subtle and can be accommodated away from the main street facing elevations so will not have any impact on the overall appearance of the proposal. The design and location of the bat and bird boxes can be secured via condition. The Council's Parks team have raised no objection to the findings of the assessment.
- 8.75 Overall therefore and subject to conditions, the proposal is considered to be acceptable and policy compliant in terms of its impact on biodiversity in all relevant regards.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 8.76 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 £156.76 (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.

- 8.77 Overall it is considered that, subject to securing the implementation of ecology mitigation and enhancement measures as proposed, and the securing of the RAMS payment via the S106 agreement, the proposal is acceptable in terms of biodiversity and ecological impacts and is policy compliant in this regard.

Planning Obligations

- 8.78 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.”*

- 8.79 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.’*

- 8.80 The 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.’*

- 8.81 Core Strategy Policy KP3 requires that: *“In order to help the delivery of the Plan’s provisions the 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.”*

- 8.82 The following planning obligations have been agreed with the applicant:

Table 8: Planning obligations agreed with the applicant.

	Proposed Head of Term	Details
1	Education	Secondary education contribution of £31,083.33
2	RAMS Ecology mitigation	£156.76 per unit (22) = £3448.72
3	Highways	Travel Plan and travel plan monitoring fee up to £5,000. Provision of Travel Information Packs to all residents.
4	Late-Stage Viability Review Mechanism for a financial contribution in lieu of on-site Affordable Housing Provision	60% of any surplus up to a cap of £347,449.78
5	Monitoring Fee	Up to £10,000

8.83 The Section 106 contributions required above are considered to meet the tests set out in the CIL Regulations 2010 (as amended). Without the contributions that are set out above the development could not be considered acceptable. Unless the S106 agreement has been completed within an agreed timescale the application should be refused on this ground and the recommendation below includes wording to this effect.

NHS Contribution

8.84 The NHS requested a financial contribution of £12,700 to increase capacity for the benefit of patients in the Primary Care Network operating in the vicinity of the application.

8.85 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 such funding for the NHS will be secured via CIL rather than planning obligations. The NHS has not made any case for exceptional circumstances which would justify any additional contribution to the NHS via the S106 process and beyond the provisions of CIL.

Summary

8.86 The contributions noted in Table 8 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 entering into and then the completion of this agreement.

Community Infrastructure Levy (CIL)

8.87 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. As this is an outline application, the CIL amount payable will be calculated on submission of a reserved matters application.

8.88 From the submitted plans, the proposed development includes a gross internal area of some 1949sqm of residential and 431sqm of commercial floorspace which may equate to a CIL charge of approximately £59107.50 (subject to confirmation).

Equality and Diversity

- 8.89 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 which notes the inclusion of three Building Regulations M4(3) compliant wheelchair accessible units 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. The provision of an accessible and adaptable dwelling is a positive aspect of the proposal in this regard.

Planning Balance and Housing Supply

- 8.90 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 22 new dwellings for which there is an identified need including family sized, 3-bed units and wheelchair accessible, building regulations M4(3) units. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise, applying the tilted balance as required by the NPPF.

Conclusion

- 8.91 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions and the completion of a S106 legal agreement, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development, including use of this land for a residential-led mixed use development, comprising town centre (Use Class E) and community-type uses (Use Classes F1 and F2), the re-establishment of the PRow, the housing mix and flood risk position are all 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 including by preserving the significance of heritage assets. 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.
- 8.92 The outline proposal constitutes sustainable development, providing economic, social and environmental benefits. Officers consider that any limited harm identified as a result of the proposal is clearly outweighed by its benefits, including the provision of additional dwellings. Should Members identify any areas of harm, including in those areas for judgement identified within this report's analysis of the proposal, it is necessary to demonstrate that in reaching a decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm.
- 8.93 This proposal creates new housing and the Council has a deficit in housing land supply,

therefore, the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a significant contribution to the housing needs of this City which must be given increased weight in the planning balance. Subject to conditions and the completion of the S106 legal agreement, the application is recommended for approval.

9 Recommendation

9.1 It is recommended:

- 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 £31,083.33**
 - **RAMS contribution – 22 x £156.76 = £3,448.72**
 - **Travel Plan and travel plan monitoring fee up to £5,000; Provision of Travel Information Packs to all residents.**
 - **Late-Stage Viability Review Mechanism for a financial contribution in lieu of on-site Affordable Housing provision to retrieve 60% of any surplus up to cap of £347,449.78**
 - **Monitoring fee of up to £10,000.**
- b) **That the Executive Director (Environment and Place), Director of Growth and 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 Details of the landscaping, (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin no later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

02 The development hereby approved (except for landscaping which is indicative only) shall be carried out in accordance with the approved plans: 262-P101 Rev A; 262-P102 Rev E; 262-P103 Rev C; 262-P104 Rev C; 262-P105 Rev B; 262-P106 Rev B; 262-P108 Rev A

Reason: To ensure the development is carried out in accordance with the development plan.

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until full details and specifications of the materials to be used for all the external surfaces of the

development at the site including facing materials, roof detail, windows, doors, fascia and soffits have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the development hereby approved is first occupied.

Reason: In the interest of visual amenity and the setting of nearby heritage assets in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works, unless and until large scale sections and details of the colonnade to Alexandra Street including underside, balcony and window surround detail and inset balustrade, blind windows, internal balcony arrangements, parapet detail at roof level and podium edge, shopfronts including framing detail (south, east and north) and all brickwork decoration have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in full accordance with the approved details before the development hereby approved is first occupied.

Reason: In the interest of visual amenity and the setting of nearby heritage assets in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM5 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not commence, other than demolition or site preparation works 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. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:-

- i. means of enclosure, of the site including any gates or boundary fencing;
- ii. pedestrian access and circulation areas;
- iii. hard surfacing materials;
- iv. details of the number, size and location of the shrubs and plants to be planted together with a planting specification;
- v. Biodiversity enhancement measures.

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

Reason: In the interests of visual amenity, the setting of nearby heritage assets and the amenities of occupiers and to ensure a satisfactory standard of landscaping and tree protection measures are implemented pursuant to Policy DM1 and DM5 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

- 06** Prior to the first occupation of the development hereby approved, the residential cycling and bin storage areas shown on the approved plan 262-P102 Rev E shall be provided and made available for use by the occupiers of the development. These areas shall be retained for the lifetime of the development.

Reason: To ensure that satisfactory cycle and bin storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Waste Storage, Collection and Management Guide for New Developments (2019).

- 07** Prior to the first occupation of the development hereby approved, the commercial cycling and bin storage areas and the external visitor cycle parking shown on the approved plan 262-P102 Rev E shall be provided and made available for use by the occupiers of the development. These areas shall be retained for the lifetime of the development.

Reason: To ensure that satisfactory cycle and bin storage is provided in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Waste Storage, Collection and Management Guide for New Developments (2019).

- 08** Construction and demolition works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Bank and Public Holidays.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 09** No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

- (i) the parking of vehicles of site operatives and visitors,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) the erection and maintenance of security hoarding,
- (v) measures to control the emission of dust, dirt, mud being carried onto the road and noise during construction,
- (vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- (vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction,
- (viii) details of the duration and location of any noisy activities, and
- (ix) Details of access management arrangements for the Public Right of Way during the construction period.

Reason: A pre-commencement condition is justified in the interest of the

residential amenity of nearby occupiers and the safety and convenience of the public in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 10 Prior to first occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved 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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 11 The dwellings hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before they are occupied.

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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

12 A. Site Characterisation

Notwithstanding the details submitted with this application, no development shall be undertaken, other than that required to carry out additional necessary investigation which in this case may include demolition, site clearance, removal of underground tanks and old structures, unless and until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. 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 the extent, scale and nature of the contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Property (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

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use 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 pursuant to 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 the remediation.

C. Remediation Implementation and Verification

No development shall take place 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 in full. The Local Planning Authority must be given a minimum of 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 shall be submitted for approval in writing to the Local Planning Authority pursuant to this condition.

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 it must be reported in writing immediately to the Local Planning Authority under the terms of this condition. The development works must cease until an assessment has been undertaken in accordance with the requirements of part A of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B of this condition. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is brought into first use.

Reason: This pre-commencement condition is required 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).

- 13 The noise mitigation measures as detailed in the report by ES Acoustics (ref. number 20294.RPT.01 dated 15/02/2023) shall be implemented by competent persons.

No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report. If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Authority and installed and tested prior to operation. The mitigation measures must be retained in perpetuity thereafter.

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 14 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed on the buildings (/ development) hereby approved unless and until details of its design, siting, discharge points, predicted acoustic performance and details of any necessary noise and odour mitigation measures to be used have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The equipment shall be installed only in accordance with the approved details and shall be maintained in good working order thereafter for the lifetime of the development.**

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 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 of for the time being may be in force, the commercial floorspace hereby approved shall be used only for purposes falling within Class E 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: To reflect the nature of the application and in order to protect the amenities of occupiers of the development and surrounding occupiers and to protect the character and amenities of the area 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 Deliveries and collections to and from the commercial units within the development hereby approved shall only be undertaken between:**

- Monday to Fridays between 7am and 7pm**
- Saturdays between 8am and 1pm**
- Not at any time on Sundays and Bank Holidays**

Reason: To protect the environment of people in the development and general environmental quality including neighbours' amenity in accordance with Core

Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 17 No external lighting shall be installed on the development including 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 and residential amenities of the area in accordance with the National Planning Policy Framework (2023), 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)

- 18 The non-residential units hereby approved shall not be open for customers outside the following hours:
- 7am to 10pm on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 19 The outdoor seating area for the non-residential uses as shown on drawing 262-P102 Rev E hereby approved shall not be open for customers outside the following hours: from 8am to 7pm on any day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 20 Before the development hereby approved is occupied or brought into use it shall be carried out in a manner to ensure that 3 of the flats hereby approved comply with the building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 19 flats comply with building regulation part M4(2) 'accessible' and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 21 The two community units hereby approved and as annotated on plan number 262-P102 Rev E shall be used only for purposes falling within Classes F1 or F2 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: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential properties and the provision of community uses within the City, in accordance with Policy PA6 of the Southend Central Area Action Plan (2018), Policies KP2, CP4 and CP6 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

22 Notwithstanding the submitted drainage details which are otherwise agreed, no drainage infrastructure associated with the development hereby approved must be installed until details of surface water attenuation for the site, based on Sustainable Drainage Systems (SuDS) principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, such details must have regard to the following;

- 1) The applicant must update their drainage plan to include overland flow routes and exceedance routes, ensuring critical areas are protected from flooding where possible.
- 2) The applicant must provide details on the management of health and safety risks as a part of the drainage strategy.
- 3) The applicant must confirm the groundwater conditions and assess the impact on the proposed system. The applicant must also determine whether any surface water from adjacent areas will make its way to the proposed site.
- 4) The applicant must consider the construction phase activities that may compromise the below ground surface water drainage infrastructure and take necessary precautions to prevent and/or repair damage.
- 5) The applicant must provide details of the third part management and maintenance company who will maintain the proposed drainage network.
- 6) Infiltration tests must be undertaken prior to detailed design to confirm that partial infiltration is achievable in the permeable pavement.
- 7) Rainwater harvesting must be considered further in the scheme during detailed design, including within the blue roof and underground storage.

The development must only be implemented in accordance with the details approved under this condition and the conclusions and recommendations contained in the SUDs Statement (Dated April 2023) by HJ Structural Engineers Ltd.

The approved drainage works must be provided on site prior to first occupation of the development and shall be maintained in good working condition for the lifetime of the development.

Reason: To ensure the approved development does not increase flood risk elsewhere in accordance with the National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

23 The recommendations and biodiversity enhancement measures as detailed in the Preliminary Ecological Appraisal by Arbtech Issue 2 (dated 11/10/2023) shall be implemented in full by competent persons. The bird and bat boxes shall be installed solely in accordance with details inclusive of their siting and design that have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of biodiversity in accordance with the National Planning

Policy Framework (2023) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 24 The maximum height of development shall not exceed 56.46m (AOD). A third party instrument flight procedure assessment (ILS) must be completed before the development commences and confirmation that this has been agreed with the London Southend Airport shall be submitted to and approved in writing by the Local Planning Authority pursuant to this condition.**

Reason: This pre-commencement condition is required in the interest of the safety of aviation in accordance with the National Planning Policy Framework (2023), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 25 The proposed windows in the side (east and west facing) elevations of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level prior to the first use or occupation of the development hereby permitted and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.**

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with Policy DM1 of the Development Management Document (2015).

- 26 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no part of the development shall be occupied or brought into use until details of a waste management and service plan have been submitted to and approved in writing by the Local Planning Authority. Waste management and servicing of the development shall only take place in accordance with the approved details.**

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- c) In the event that the planning obligation referred to in part (a) above has not been completed before 19 December 2023 or an extension of this time as may be agreed by the Director of Growth and Planning or Service Manager - Development Control, authority is delegated to the Director of Growth and 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, RAMs, Travel Plan, monitoring of travel plan and provision of Travel Information Packs, a Late-Stage Viability Review Mechanism for a financial contribution in lieu of on-site Affordable Housing Provision and for a Monitoring fee that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), 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:

- 1** Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy and legislation/70/community infrastructure levy](http://www.planningportal.co.uk/info/200136/policy-and-legislation/70/community-infrastructure-levy)) 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 the 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.
- 3** 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.
- 4** Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.
- 5** 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 for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 6** Please note that if you require a crane or piling rig to construct the proposed development, 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.
- 7** Advertisement signage associated with the development must be submitted for under separate Advertisement legislation.