

Reference:	21/00161/FULM	
Application Type:	FULL	
Ward:	Westborough	
Proposal:	Demolish existing building and part erect five storey, part 4 storey and part 3 storey building comprising of 20 flats with ground floor commercial unit (class E) and parking, layout cycle stores, bin stores and form vehicle access onto Fleetwood Avenue	
Address:	659 - 665 London Road Westcliff-On-Sea Essex SS0 9PD	
Applicant:	SKArchitects	
Agent:	SKArchitects	
Consultation Expiry:	27.06.2022	
Expiry Date:	08.07.2022	
Case Officer:	Abbie Greenwood	
Plan Nos:	409P01, 409P02A, 409P03A, 409P04B, 409P05B, 409P06B, 409P07A	
Supporting Documents	Planning, Design and Access Statement reference 409-01-17 Financial Viability Assessment including Cost Plans by Beresfords dated March 2022 SUDS Assessment Statement from HJ Structural Engineers reference MAS528 dated 19.07.19 Supplementary SUDS Statement from HJ Structural Engineers reference MAS1123 dated 13.02.22 Phase 1 Desk Study Report by Endeavour Drilling reference END19-049 dated July 2019 Noise Impact Assessment - Façade Noise and Separating Sound Insulation reference 659 London Road SS0 9PD.NIA Rev 1.0 dated 10.11.21 S106 Site Plan	
Recommendation:	Delegate to the Director of Planning or the Development Control Service Manager to GRANT PLANNING PERMISSION subject to completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended)	



1 Site and Surroundings

- 1.1 The site is on the north side of London Road at the junction with Fleetwood Avenue. There are two terraced former commercial buildings on the site which were joined internally to form one large retail unit. The building on the corner is a more traditional building with a pitched roof but this has been hidden behind a tall parapet to the main frontage. The building to the west side is a more modern flat roofed building which extends the full depth of the site. The area to the rear between these two buildings has been infilled with a tall single storey extension such that the combined massing covers almost all the site except for a small hardstanding fronting Fleetwood Avenue. The building was most recently occupied by a large Second Hand Furniture Shop but has been vacant for a long time and is in a state of disrepair and is an eyesore in the streetscene.
- 1.2 On the opposite side of the junction with the one-way Fleetwood Avenue, directly east of the site, is Westcliff Library which is a grade II listed building. This single storey building dates from 1958-60. Its elegant design includes extensive glazing and a distinctive ridge and furrow clerestory floating roof detail. The building is set back from the road and has a landscaped frontage facing London Road and Fleetwood Avenue. The tree planting to the side provides a buffer to the application site.
- 1.3 To the west, the site adjoins a traditional 3 storey flat roofed terrace of shops with flats on the upper floors. Opposite and further along London Road in the vicinity of the site are mixed use buildings ranging from 2 – 4 storeys in a mix of designs including modern and traditional styles. Most of the buildings have commercial units at ground level providing an active streetscene. There is no formal shopping frontage designation in this section of London Road.
- 1.4 Fleetwood Avenue to the north of the site is a typical residential street of traditional two storey terraced houses.
- 1.5 The site is in Flood zone 1 (low risk). There are no specific policy designations in this location.

2 The Proposal

- 2.1 It is proposed to erect a mixed-use 20 flat development varying between 3 and 5 storeys in height, comprising 5 x 1 bed (25%), 6 x 2-bed (30%) and 9 x 3-bed (45%), together with associated ground floor commercial space (use class E) totalling 150 sqm including a dedicated commercial refuse and cycle store.
- 2.2 Two of the flats (10%) will be M4 (3) compliant and suitable for wheelchair users. All other units will be M4 (2) compliant (accessible dwellings). Each flat has at least 1 private balcony or terrace.
- 2.3 The scheme provides off street parking for 20 vehicles in an undercroft area behind the commercial unit including 2 disabled spaces, all accessed from Fleetwood Avenue via an existing access. The proposal includes secure residential cycle parking for 20 cycles and separate refuse stores for the commercial and residential uses.
- 2.4 The main body of the building is 26.6m wide to the front facing London Road reducing to 12.6m wide at the rear and 30.3m deep facing Fleetwood Avenue reducing to 18.8m within the site. The top two floors are set back from the main building lines; floor 3 is set back some 1.5m from the east elevation and corner and some 9.3m back from the northern boundary of the site closest to the properties in Fleetwood Avenue; floor 4 is set back a further 4.8m to the east side, 3.2m from the front and 9.3m from the rear. The building would be 8.8m high on the Eastern elevation closest to the library and neighbour at 1 Fleetwood Avenue, stepping up to 11.7m and then 14.6m towards the western side of the site.
- 2.5 The proposed materials include brick finish to the lower floors with feature cladding on the upper floors, powder coated aluminium glazing and balconies and a glazed shopfront with colonnade detail at ground level.
- 2.6 The proposal includes associated landscaping to the front of the site, comprising the provision of three new street trees on the London Road frontage.
- 2.7 The current proposal follows two previous applications for the redevelopment of this site for flats. The initial application in 2015, reference 15/01743/FULM for 18 units, was a full 4 storeys with only a minimal set back at the upper level at the front. This was refused because it failed to meet the technical housing standards and M4(2) standards, the mix was found to be unacceptable due to the lack of 3 bed units and lack of affordable housing. A second scheme in 2016 reference 16/00204/FULM, which had the same external design but only 16 units, satisfactorily addressed the reasons for refusal and was approved. That permission was not implemented and has lapsed.

3 Relevant Planning History

- 3.1 16/00204/FULM - Demolish existing building and erect four storey building comprising of 16 flats with ground floor retail unit (Class A1) and parking, layout cycle store, bin store and form vehicle access onto Fleetwood Avenue (Amended Proposal) – granted

- 3.2 15/01743/FULM - Demolish existing building and erect four storey building comprising of 18 flats with ground floor retail unit (Class A1) and parking, layout cycle store, bin store and form vehicle access onto Fleetwood Avenue – refused

4 Representation Summary

- 4.1 32 neighbouring properties were consulted and a site notice displayed. 4 letters of objection were received raising the following summarised issues:

- Out of character - other properties do not have balconies
- 5 storeys is over scaled - most properties are 3 storeys
- Too many flats in this area
- Impact on listed building
- Affordable housing provision is welcomed and needs to be secured
- Overlooking
- Impact on daylight and sunlight and including the ability to dry clothes in the gardens of the neighbouring houses
- Concerns about fire escape access
- Maintenance of terraces
- Queries whether the parking spaces large enough
- The vehicles need to enter and exit the car park forwards as Fleetwood Avenue is one way
- Queries whether cycle storage can be accessed between the cars
- Waste store too small
- Lack of parking for commercial unit and the flats - This area has parking stress
- Queries whether the commercial waste store is large enough
- Impact on local services including doctors and schools
- Noise nuisance for existing and proposed residents including during construction
- The flats need to meet the space standards
- Not enough storage
- Balconies are not enough amenity provision

2 letters of support have also been received.

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

Highways

- 4.2 There are no highway objections to this proposal. The site benefits from being in a sustainable location with regard to public transport with bus stops with 30m. Rail lines are also close by along with Prittlebrook cycleway. Off street parking has been provided as has secure cycle parking both are acceptable. Any redundant vehicle crossover will be required to be returned to footway. It is not considered that the proposal will have a detrimental impact on the highway network.

Environmental Health

- 4.3 The submitted noise report is out of date and lacking in detail. Further information is required. This can be conditioned.

No objections subject to conditions relating to noise to ensure a suitable internal environment for the new dwellings, contamination remediation, construction management including demolition management, refuse and recycling and external illumination.

[Officer Comment - The detailed wording of the suggested conditions has been refined to better reflect the test for planning conditions set out in planning guidance.]

Education

- 4.4 This application falls within the primary catchment area for Chalkwell Hall Infant and Chalkwell Hall Junior Schools and for the secondary catchment area for Chase High School. The primary catchment area is oversubscribed as are most year groups with very little surplus at Chase High School. A contribution is therefore requested for demand at Chase High school for £33,343.93.

Housing

- 4.5 The development has been shown to be viable so 20% affordable housing should be provided which equates to 2 x Affordable Rent, 2 x Shared ownership units. Given the numbers involved and the evidence from the agent that Affordable Housing Providers have shown no interest in taking these units, there is no objection to this being as a financial contribution secured in the S106.

Parks

- 4.6 No objection to 3 new street trees to the front of the site. These should be planted by the developer to the Council's agreed specifications. [Officer comment - Details of recommended species and planting specifications were provided by Parks]

Local Lead Flood Authority

- 4.7 The SUDS report states the runoff from the site will be limited to 3.15 l/s, which is acceptable, however no plans have been provided to show the drainage layout and how this will be achieved. These details therefore need to be conditioned.

Private Sector Housing

- 4.8 No objections. The standard of accommodation is acceptable.

Essex Fire Service

- 4.9 No objections. The proposal will be required to demonstrate that they comply with Building regulations in due course.

London Southend Airport

- 4.10 Under EASA safeguarding regulations the maximum height of any part of the development (including roof plant / aerials) must be no greater than 56.46m AOD and the proposed development will need to be assessed against the Instrument Flight Procedures both designed and published for LSA.

[Officer Comment - The agent has confirmed that the maximum height of the proposed building is 50.3m AOD.]

Anglian Water

- 4.11 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance
- 5.2 National Design Guide (2021)
- 5.3 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), DM5 (Southend's Historic Environment), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).
- 5.5 Southend-on-Sea Design & Townscape Guide (2009)
- 5.6 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.7 Vehicle Crossing Policy & Application Guidance (2021)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)
- 5.10 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.11 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

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

Appraisal

7 Principle of Development

Intensification of site

- 7.1 The provision of new high quality housing is a key Government objective.
- 7.2 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 124 states:

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

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

- 7.3 Policy KP2 of the Core Strategy states development must be achieved in ways which *"make the best use of previously developed land, ensuring that sites and buildings are put to best use"*.
- 7.4 Policy CP4 requires that new development "maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments" and that this should be achieved by *"maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development"*.
- 7.5 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.

- 7.6 Policy DM3 of the Development Management Document states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”*.
- 7.7 The buildings on site are vacant but were most recently occupied by a second hand furniture shop. The proposal seeks to erect a mixed used development on the site comprising 150 sqm of commercial floorspace (Class E) at ground floor level with 20 flats above.
- 7.8 Mixed use residential led development has previously been accepted on this site under application reference 16/00204/FULM. The proposal for 20 dwellings is consistent with the policies noted above which seek to make the best use of land provided the proposal can demonstrate that it satisfactorily addresses the detailed considerations set out below including design and scale and impact on the neighbours' amenity.
- 7.9 The NPPF has been updated since the 2016 permission and only limited weight can be attached to that particular scheme's approval because that has since lapsed. The housing requirement in the City has increased since this time. (see paragraph 7.72 below). The principle of a mix use residential led scheme is therefore acceptable in this regard subject to the detailed considerations set out below.
- 7.10 The proposal includes Class E use for the ground floor unit. This is in line with the Government's objective to allow more flexibility of uses within commercial centres and is considered acceptable for this site in this mixed use location subject to further controlling any future proposed gym which although within Class E, could raise particular amenity considerations for those living above.
- 7.11 The principle of residential flats with commercial use at ground floor is therefore considered to be acceptable and the proposal is policy compliant in this regard

Residential Accommodation Mix

- 7.12 Policy DM7 states that *‘the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes.’* The Policy sets out the desired mix of dwelling types and sizes in all new major residential development proposals. This includes providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The desired mix for major schemes is as follows:

DM7 Preferred Private Market Dwelling Mix

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings (Market)	9%	22%	49%	20%
Proportion of dwellings (Affordable)	16%	43%	37%	4%

- 7.13 Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council. The policy also states that *'the Council will look favourably upon the provision of family size housing on smaller sites, particularly where the surrounding building types provide an appropriate context for this type of development to be included within a scheme.'*

- 7.14 The proposed mix is as follows

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings (Market)	25% 5 units	30% 6 units	45% 9 units	0%

- 7.15 This mix contains a good range of flat sizes and is considered to be compatible with that set out in DM7. The proposal is acceptable and policy compliant in this regard.

Affordable Housing

- 7.16 Policy CP8 seeks an affordable housing provision of 20% for major residential proposals of 10-49 dwellings which should be split 60:40 between affordable rented and shared ownership units. In this case a policy compliant mix would therefore comprise 2 affordable rented units and 2 shared ownership units.

- 7.17 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states: *'The Borough Council will...enter into negotiations with developers to ensure that:*

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.'

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

- 7.19 A financial viability appraisal (FVA) has been submitted with the application. Three scenarios were tested in this appraisal: 20% affordable housing provision (policy compliant); 10%; and 0%. The report found a deficit in all cases, however, this was based on a benchmark land value which was considered by an independent assessor, commissioned by the Council, to be significantly overestimated given the state of the current building and amount of work that would be required to enable it to be used again. A viability study prepared for the Council in 2020 set out generic site values for viability testing as £850,000 per hectare which gives a more realistic land value of £70,000. Differences in assessment were also raised in relation to the value of a car parking space for each unit which was rated at £nil in the submitted FVA, the under valuing of the commercial unit and profit was revised from 20% to 15%.

Using these figures, the independent assessors concluded that the scheme was viable in all cases albeit with only a nominal surplus for a policy compliant scheme. The Council's independent assessor had recommended a late stage review of viability so it could be assessed over the lifetime of the development but staff consider this is no longer necessary given the position summarised in paragraph 7.20 immediately below.

- 7.20 In response to the above the applicant has offered to provide a secured financial contribution in lieu of affordable housing equivalent to a 20% policy compliant scheme as they consider this to be a simpler option given the low number of units. To support this, they have submitted evidence reasonably demonstrating lack of interest from registered providers in this project. The Council's Housing Officer has agreed that this would be acceptable in this instance and the sum in lieu has been calculated as £306,414.69. Given the low level of surplus predicted by the independent assessor this option is considered to be reasonable for all parties in this specific case. Subject to securing this in the S106 the proposal is considered to be acceptable in terms of affordable housing contribution.
- 7.21 Overall, therefore, it is considered that the principle of this type and mix of development in this location is consistent with the policies noted above and is acceptable subject to the detailed considerations set out below.

Design and Impact on the Character of the Area including the setting of the adjacent listed building

- 7.22 In determining this application, the Council has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.23 Paragraph 126 of the NPPF states '*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'
- 7.24 Policy DM1 of the Development Management Document states that "*all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.*" and Policy DM5 seeks to protect the character and significance of the City's heritage assets including listed buildings and their settings
- 7.25 The existing building on the site is a tall two storey retail unit which is a very crude design and in a poor state of repair. This causes harm to the streetscene and the setting of the adjacent listed Westcliff Library albeit any wilful neglect of a building would not draw any significant weight in a balanced planning assessment. The library is a one off single storey building from the 1960s with a distinctive roof design. It is set back from the consistent building line of London Road on a more spacious plot than the surrounding development, which includes a number of landscaped beds and trees.

This arrangement helps to ensure that this lower scale of building is not crowded by the surrounding townscape and ensures that the building maintains its status in the streetscene.

- 7.26 London Road is characterised by its variety of buildings and this adds interest to the streetscene along its length. Aside from the library, the buildings closest to the site are a mix of scales ranging from 2 storeys to 4 storeys but there is some 5 storey development within close view of the site. In recent years, new flatted blocks in London Road in Westcliff and Southend generally tend to be in the region of 4-5 storeys.
- 7.27 The 2016 planning permission was for a part 4 part 3 storey mixed use development on the site. It had a commercial unit at ground floor and was four storeys to the front half of the site stepping down one storey to the neighbour at the rear. This planning permission has now expired but gives a parameter from which to judge the impact of the current proposal although, in any case the current proposal must be assessed on its own individual merits.
- 7.28 The current proposal seeks to erect a part 3, part 4, part 5 storey building with a commercial unit at ground floor and flats above. This is taller than the previous approval in places but the proposal has been designed to minimise the impact of the scale increase and relationship to the surrounding built form by layering the building horizontally in 3 component parts. At ground floor the commercial unit continues the language of the street and provides a glazed base for the building which is visually supported by feature columns forming a feature colonnade to the frontage. Next the main body of the building is brickwork over 2 floors rising to 3 floors at the southwest corner of the site fronting London Road but at the opposite end to the listed Westcliff Library. Above this, the building steps back significantly over 2 floors ensuring the greater scale is away from the listed building and the neighbouring dwelling to the rear. The resultant form has moved away from the simpler box like forms previously approved on this site into smaller components which gives the development a more dynamic roofline and adds interest to the streetscene. The building is articulated with projecting and recessed balconies and tall windows and clean detailing to the roof profile which further breaks up the scale of the frontages.
- 7.29 3 new street trees are proposed on the highway frontage which will provide softening to the development generally and will also break the scale of the frontage in the wider streetscene. The installation of this landscaping is proposed to be secured in the S106.
- 7.30 The proposal will be a step change in scale to the listed building but it is considered that there is a sufficient gap in the streetscene and space around the listed building to ensure that it will not be crowded by the new development within the prevailing grain of London Road. . The impact on the significance and setting of the listed building and wider streetscene is therefore considered to be acceptable and the proposal is policy compliant in this regard subject to the agreement, through conditions, of suitable materials, detailing of key features and landscaping.

Standard of Accommodation for Future Occupiers

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

Space Standards and Quality of Habitable Rooms.

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

Table 1 - Minimum gross internal floor areas and storage (m²)					
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	

- 7.34 The relevant dimensions of the proposed scheme are also shown on the table below.

Flat	Net Internal Area	Bed 1	Bed 2	Bed 3	Balcony
1 2b3p	62.3 sqm	11.7 sqm W2.75m	8.6sqm W2.15m		2.7sqm + 2.8sqm
2 2b3p	61.3 sqm	11.9sqm W 2.8m	9.9 sqm W 2.3m		2.8sqm + 2.8sqm
3 3b4p	78.2sqm	13.2 sqm W 3.7m	9.6 sqm W 2.15m	7.9 sqm W 2.15m	2.2sqm + 2.8 sqm
4 (M4(3)) 3b4p	82.2 sqm	14 sqm W 3.1m	9.35sqm W 2.4m	9.35sqm W 2.4m	6.3sqm
5 3b4p	80.4sqm	13.6 sqm w	7.5sqm w2.3m	7.5 sqm W 2.7m	3.3sqm
6 3b4p	75.65 sqm	11.6 sqm W 2.3m	9.8 sqm W 2.2m	7.5 sqm W 2.15m	4.3 sqm
7 2b3p	62.8sqm	11.6 sqm w2.75m	8.7sqm 2.15m		2.7sqm + 2.8sqm
8 2b3p	61.3 sqm	11.9sqm W 2.8m	9.9 sqm W 2.3m		2.8sqm + 2.8sqm
9 1b2p	50.3 sqm	11.8sqm W3.3m			2.8 sqm
10 1b1p	40.2 sqm	8.7sqm W 2.5m			3.5sqm
11 (M4(3))	69.4 sqm	14.1sqm	10.2 sqm		6.4 sqm

2b3p		W 3.2m	W 2.4m		
12 3b4p	76.8 sqm	13.5 sqm W 2.75m	7.6 sqm W 2.8m	7.5 sqm w 2.3m	3.5 sqm
13 3b4p	76.1 sqm	11.6 sqm W 2.8m	9.7 sqm W 2.15m	7.5 sqm W 2.2m	4.3 sqm
14 2b3p	62.7 sqm	11.5sqm W 2.75m	8.5 sqm W 2.15m		2.8 sqm + 2.8 sqm
15 2b3p	61.6 sqm	12.1sqm W 2.8m	9.6sqm W 2.3m		2.8sqm + 2.8sqm
16 1b1p	42.4 sqm	8.3 sqm W 2.2m			22.9 sqm
17 1b1p	45.3 sqm	9.9sqm W 2.5m			11 sqm +
18 2b3p	68.2 sqm	12.4 sqm W 2.8m	10.2sqm W 2.15m		3.7 sqm
19 2b3p	66.1 sqm	12.5 sqm W 3.1m	8.9 sqm W 2.8m		5 sqm
20 1b1p	38.3 sqm	10.6 sqm W 2.8m			4.8 sqm

- 7.35 The proposal therefore meets the required standards and is acceptable and policy compliant in regards to flat sizes.

Light, Privacy and Outlook

- 7.36 The submitted floor plans show that all the habitable rooms would have good light and outlook. 3 of the 20 proposed units are north facing only however this is inevitable in the locational circumstances of the site and this negative element is low in proportion to the number of dwellings created overall. The proposal is acceptable and policy compliant in this regard.

Noise and Disturbance

- 7.37 Environmental Health sought assurances that the proposed accommodation will provide an acceptable standard of living in terms of noise particularly in relation to the traffic from London Road and vertical transference of noise between rooms. A noise report can be required by condition. The precise use of the ground floor unit within Class E is currently unconfirmed but this could potentially include a supermarket or restaurant which may require plant. Recommended condition 14 controls any future intended gym use. Therefore a condition relating to plant noise for this unit and opening and delivery times would also be reasonable. Subject to these conditions it is considered that the new dwellings' living conditions would be acceptable in terms of noise and disturbance impacts.

M4(2) – Accessibility

- 7.38 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards and 10% of the units to be M4(3) wheelchair compatible units. The Design and Access Statement confirms that units 4 and 11 are M4(3) compliant and the remainder are M4(2) compliant. This can be secured by condition. The proposal therefore acceptable and policy compliant in this regard.

Amenity Provision

- 7.39 All proposed dwellings have at least one, but in many cases two , private balconies and there is a communal roof terrace of 45sqm. This will provide adequate amenity space for residents. The proposal is acceptable and policy compliant in this regard.
- 7.40 Overall, it is considered that the proposal will provide a satisfactory standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 7.41 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.42 The existing built form on the site is significant in mass including rearward projections up to two storeys close to the northern boundary. The proposal would be 2.9m away from the flank wall of No 1 Fleetwood Avenue to the north at a height of 8.8m. No windows are proposed on the northern elevation of the proposal closest to this neighbour. The neighbouring house has 2 windows in its flank elevation at first floor. These are both secondary windows to bedrooms and not the main light source or outlook for these rooms. This is an acceptable relationship. and is also comparable to the relationship approved in 2016.
- 7.43 The proposed building is 12.5m deep at its northern end so projecting 2.5m past the front building line and 1.8m past the rear building line of No 1 Fleetwood Avenue. This would not breach a notional 45-degree guideline from the closest windows of that neighbouring house. Given the separation of 2.9m, it is considered that this would not have a detrimental impact on light or outlook from the front and rear facing habitable room windows of No 1.
- 7.44 The front section of the building has flats with outlooks to the north towards the garden area of No 1 Fleetwood Avenue. There would be a separation of at least 15m from these windows to the boundary at first and second floor levels increasing to 16.7m at third floor level and 18.5m at fourth floor level. The corresponding heights of the building are 8.8m stepping up to 11.7m and then 14.6m. It is considered that at this separation distance, the proposal would not result in any significantly harmful loss of privacy, light or outlook for this neighbour.

- 7.45 The proposed communal terrace, at its closest corner, would be 6.8m from the boundary with No1s garden. This will have a 1.7m obscure glazed privacy screen on its northern and western sides to prevent overlooking of the garden and habitable rooms at No 1 Fleetwood Avenue. This can be secured by condition. Subject to this screen, it is considered that the proposal would have an acceptable impact on the amenity of No 1 Fleetwood Avenue's occupiers in all relevant regards.
- 7.46 The attached neighbouring building to the west side contains a commercial use at ground floor with flats above. The existing building on the application site extends the depth of this boundary at ground and first floor levels. The proposal would be terraced to this building similar to the existing arrangement but significantly less deep than the existing building at the lower levels. The proposal will therefore have a reduced impact over these levels. The neighbouring top floor flat extends above the height of the existing building by half a storey. It has a door and small window on its east elevation facing the site, both of which serve a kitchen, and a window in the rear elevation facing north which serves a bedroom. The proposed development would project above this building by some 1.2m on the shared boundary. The top floor in this site steps in 2.5m from this boundary. As it serves a non-habitable room, the impact that this will have on the kitchen window can only be given limited weight and this impact is considered to be acceptable on its merits. The proposal will create a well situation for the rear facing bedroom, however, the height increase at this point is only 1.2m above the neighbour. In this urban context, this relationship is considered to be acceptable. The set back of the top floor is also sufficient to satisfactorily mitigate the impact on outlook and light to this room. Overall, therefore, it is considered that the proposal would have an acceptable impact on the amenities of this neighbour in all relevant regards.
- 7.47 The impact of the proposal on the amenities of properties opposite on the southern side of London Road will be acceptable given the width of the road and is comparable to other relationships along its length.
- 7.48 Similarly, the impact on neighbours generally from a more intensive use of the site is considered to be acceptable.
- 7.49 Overall, therefore, the proposed development would comply with national and local planning policies in relation to neighbour amenity.

Traffic and Transportation Issues and Trees

- 7.50 Policy DM15 of the Development Management Document states: *"All development should meet the parking standards (including cycle parking) set out in Appendix 6 which requires a minimum of 1 parking space and 1 cycle space per flat. Commercial parking standards are maximum standards. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity"*.

- 7.51 20 car parking spaces, including 2 spaces for disabled users, are proposed under the building to the rear. These will serve the proposed residential units and the proposal is policy compliant in this regard subject to the requiring that all the parking spaces have access to electric vehicle charging points which can be secured by condition. No parking spaces are proposed for the commercial unit. This is acceptable under Policy DM15 where commercial parking standards are expressed as maximums. The site is close to public transport and amenities and customers are likely to visit as part of linked trips to the area. The Council's Highways team has raised no objections to the proposal in terms of lack of parking or access. The proposal is acceptable and policy compliant in terms of parking provision.

Refuse and Recycling and Cycle Storage

- 7.52 The submitted plans show separate refuse and recycling stores for the commercial unit and the flats as well as separate cycle stores for 26 cycles in total. This meets the policy requirements in DM15 and their implementation can be secured by condition. The proposal is therefore acceptable and policy compliant in this regard.

Travel Packs

- 7.53 A scheme of this scale is required to provide Travel Packs to new residents so that they are made aware of alternative travel options. This can be secured within the S106 agreement.

Construction Management Plan

- 7.54 The site is constrained and the scheme will involve significant demolition. It is therefore reasonable to require a construction management plan to be submitted and agreed prior to the commencement of the works. This can be required by condition.
- 7.55 Overall, the proposal is therefore acceptable and policy compliant in terms of Traffic and Transportation subject to the described conditions.

Sustainability including Sustainable Drainage

- 7.56 Sustainable development is a key objective of the NPPF.
- 7.57 Policy KP2 of the Core Strategy requires that *"at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*. Policy DM2 of the Development Management Document states that *"to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions"*. This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.58 PV (photovoltaic) panels are shown on the roof plan. No specific details have been provided on how the development will achieve the 10% renewable energy requirement however full details and implementation of renewables and water efficient appliances can be secured by condition.

- 7.59 All major schemes are required to demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff. A Sustainable Drainage Assessment and supplementary details have been submitted with the application. The Lead Local Flood Authority have reviewed these details and confirmed that they are broadly acceptable and that a full drainage scheme can be agreed by condition. The proposal is acceptable and policy compliant in this regard.
- 7.60 A phase 1 Contaminated land assessment has been submitted with the application. This concludes that the area has a history of mixed uses including a warehouse and a timber yard, however, overall the site has a low to moderate risk of contamination. It recommends that a programme of chemical analysis should take place to determine if any remedial action is required. The Council's Environmental Health Officer has reviewed the report and considered that the conclusions of this are reasonable and further soil testing and any necessary remediation should be undertaken. This can be required by condition.
- 7.61 Subject to these conditions, the proposal is considered to be acceptable and policy compliant in regards to sustainable development, contamination and drainage.

Ecology

- 7.62 Core Strategy Policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.63 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 £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment will be secured via the S106. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Equality and Diversity Issues

- 7.64 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 including its implications for future residents' access quality 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.

Community Infrastructure Levy (CIL)

- 7.65 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 1848.50 sqm, which may equate to a CIL charge of approximately £45422.48 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Planning Obligations

- 7.66 Paragraph 57 of the NPPF states that *'Planning obligations must only be sought where they meet all of the following tests:*

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

- 7.67 Paragraph 58 of the NPPF states *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'*

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

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

2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed.

This includes provisions such as;

- a. roads , sewers, servicing facilities and car parking;*
- b. improvements to cycling, walking and passenger transport facilities and services;*

- c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS);*
- d. affordable housing;*
- e. educational facilities;*
- f. open space, 'green grid', recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate;*
- g. any other works, measures or actions required as a consequence of the proposed development; and*
- h. appropriate on-going maintenance requirements."*

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

- A policy compliant financial contribution of £306,414.69 in lieu of onsite provision of affordable housing (See paragraphs 7.16-7.21 above)
- £33, 343.93 contribution towards secondary education (See paragraph 4.4 above)
- The planting of 3 new street trees in the highway to the front of the site to the Councils specifications. (see paragraph 7.29 above)
- The provision of Travel Packs for residents and Travel Plan Monitoring. (see paragraph 7.53 above)
- £2,754.20 (20 x £137.71) towards biodiversity mitigation, management, protection or education (RAMS). (see paragraph 7.63 above)
- Standard S106 Monitoring Fee.

7.71 The contributions noted 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 committee approval subject to the completion of this agreement.

Planning Balance and Housing Supply

7.72 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 20 new dwellings including 6 x 3 bed units suitable for families for which there is an identified need. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of a mixed use development on this site was previously established in 2016. The proposed design has distributed the scale appropriately across the site to ensure that it does not have a detrimental impact on the setting of the adjacent listed library and the neighbours to the rear. The design of the proposal is well considered and would have an acceptable impact on the site and wider streetscene including the setting of the adjacent listed building. Subject to conditions the proposal would have an acceptable impact on the amenities of neighbours and provide an acceptable standard of accommodation for new occupiers. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability and ecology.
- 8.2 The current proposal has been found by officers to be acceptable in all regards and is recommended for approval subject to the completion of a S106 and conditions, however, if members deem that there is harm then this will need to be balanced against the public benefits of the proposal. This proposal creates new housing, therefore, when assessing the harm identified, it is necessary to demonstrate that, in reaching this decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the National Planning Policy Framework is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole.

9 Recommendation

- (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:**
- **A policy compliant financial contribution of £306,414.69 in lieu of onsite provision of affordable housing**
 - **£33, 343.93 contribution towards secondary education**
 - **The planting of 3 new street trees in the highway to the front of the site to the Council's specifications.**
 - **The provision of Travel Packs for residents and Travel Plan Monitoring.**
 - **£2,754.20 towards biodiversity mitigation, management, protection or education (RAMS).**
- (b) • **Standard S106 Monitoring Fee**

That the Director of Planning or the Development Control Service Manager be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 agreement referred to above and subject to the conditions set out below.

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans 409P01, 409P02A, 409P03A, 409P04B, 409P05B, 409P06B, 409P07A.

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

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations of the development, including walls, projecting and inset balconies including floor, underside, fascia and soffit, windows and doors, roof and roof terraces, coping, shopfront including details of any synthetic materials to be applied to the glazed frontage of the commercial unit, colonnade, fascia and soffits, privacy screen, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

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

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above slab level shall take place unless and until full detailed design drawings and cross sections of the shopfront including approach to signage, window reveals and lintel details, balcony design, roof edge details and rainwater drainage solution at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

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

05 No development shall take place above ground floor slab level until details of the design and specification of the privacy screen to the north terrace have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out solely in accordance with the approved details before it is first occupied and shall be retained for the lifetime of the development.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

06 Other than the areas specifically denoted as roof terraces on the plans hereby approved, the roofs of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with Core Strategy (2007) policies KP2 and CP4, the Development Management Document (2015) policies DM1 and DM3 and advice contained within the Southend Design and Townscape Guide (2009)

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

- i) Existing and proposed finished site levels or contours.**
- ii) Details of means of enclosure, of the site including any gates or boundary walls and fencing.**
- iii) Hard surfacing materials for forecourt and parking area.**

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

08 The 20 car parking spaces, including 2 disabled spaces, and the associated amended vehicular accesses for the spaces to access the public highway at the site as shown on approved plan 409P03A shall be provided and made available for use prior to the first occupation of the dwellings hereby approved.

The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwellings hereby approved and their visitors. Each parking space shall have access to an electric vehicle charging point.

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

09 The development hereby approved shall not be occupied until at least 20 secure, covered cycle parking spaces to serve the residential development and the 6 secure, covered cycle spaces to serve the commercial development as shown on drawing 409P03A have been provided at the site and made available for use in full accordance with the approved plans by occupiers of the residential and commercial units hereby approved and their visitors. The approved scheme shall be permanently retained for the lifetime of the development .

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

10 The development hereby approved shall not be occupied unless and until the commercial and residential refuse stores that serve the development as shown on drawing 409P03A have been provided at the site in full accordance with the approved plans and made available for use by occupiers of the residential and commercial units hereby approved. The approved scheme shall be permanently retained for the storage of waste and recycling for the lifetime of the development

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

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

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

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

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

13 Before any of the residential units hereby approved are first occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 2 of the flats hereby approved comply with building regulation M4 (3) 'wheelchair user dwellings' standard and the remaining 18 flats comply with building regulation M4(2) 'accessible and adaptable dwellings standard

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

14 Notwithstanding the details shown in the plans submitted and hereby approved, the overall height of the development, including any aerials, plant or other structures, must not exceed 56.46m Above Ordnance Datum

Reason: In the interests of aircraft safety and the safe operation of London Southend Airport in accordance with the National Planning Policy Framework (2021) and Policy DM1 of the Development Management Document (2015)

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

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

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

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

17 No plant or ventilation equipment for the ground floor commercial unit (use class E) hereby approved shall be installed until and unless full details of its location, design and technical specifications and a report detailing any mitigation measures required and proposed in respect of noise impacts on the nearest noise sensitive properties has been submitted to, and approved in writing by, the Local Planning Authority. The installation of the plant and ventilation equipment shall be carried out only in full accordance with the approved details and specifications and any noise mitigation measures shall be undertaken in accordance with the agreed details before the plant and ventilation equipment is brought into use. With reference to British Standards BS4142 the noise rating level arising from all plant and ventilation equipment shall be at least 5dbB(A) below the prevailing background at 3.5m from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers of the development and neighbouring occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3, DM5 and DM8 of the Development Management Document (2015) and advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: In order to protect the amenities of occupiers of the development and surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015)

19 No development above ground floor slab level shall take place unless and until a Noise Impact assessment (NIA) has been conducted by a competent person to assess all external and internal noise impacts on the future residents of the development. These shall include but not be limited to:

- **Road traffic noise**
- **Airborne and impact noise caused by normal living where bedrooms are above or below living areas**
- **Internal plant noise including lifts**
- **Use of communal stairwells and halls**
- **Bedrooms above the commercial unit**
- **Impact of external building services and extract ventilation equipment**
- **Noise from deliveries**

Measurement and mitigation from traffic noise shall be undertaken in accordance with BS8233:2014 and plant and equipment in accordance with BS4142 BS 4142:2014+A1:2019 and/or the most appropriate method to provide accurate and representative noise predictions so that noise will not cause a statutory nuisance.

To prevent nuisance from normal living sound insulation standards are required to exceed the requirements of Building Regulations Approved Document E by 5dB such that airborne sound insulation weighted standardised level difference is increased by 5dB $D_{nT,w} + C_{tr}$ and the maximum allowable weighted standardised impact sound pressure level is reduced by 5dB $L_{nT,w}$.

Prior to the first use/occupation of the development a post-completion noise survey must be 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. and must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The final noise mitigation schemes shall be operated and maintained thereafter.

The applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. Where necessary a scheme for approval for alternative means of ventilation and air cooling and heating is required in writing to demonstrate that:

The alternative means of ventilation and cooling will not compromise any noise protection measures; the alternative means of ventilation and cooling will not present an adverse noise or odour impact on occupants; the alternative means of ventilation and cooling will enable optimum living conditions in all weather and with reference to climate change predictions.

The means of ventilation must be in accordance with documents CIBSE Guide A:2015-Environmental Design, CIBSE TM52:2013-The limits of thermal comfort: avoiding overheating in European buildings and CIBSE TM59:2017-Design methodology for the assessment of overheating risk in homes. The alternative means of ventilation shall be maintained thereafter.

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

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

- A.** An instructive investigation (Phase II Site Investigation) must be undertaken in order to quantify the risks identified by the Phase 1 Site Investigation. The investigation must be undertaken in accordance with the scope of work outlined in the Phase 1 Desk Study Report by Endeavour Drilling reference END19-049 dated July 2019. The Phase II report must be submitted to the Local Planning Authority for approval. The assessment must be undertaken by a competent person in accordance with British Standards 10175:2011 (Investigation of potentially contaminated sites – Code of Practice) and the Environment Agency/DEFRA 'Model Procedures for the Management of Land Contamination.
- B.** Where the Phase II Investigation Report identifies any unacceptable risk or risks, a detailed Site Remediation Strategy to deal with land contamination and /or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. With the exception of below ground investigation work and removal of the previous structures on site, no development shall take place until and unless this Site Remediation Strategy has been approved in writing by the Local Planning Authority.
- C.** The site shall be remediated in accordance with the approved Site Remediation Strategy before the construction of the development hereby approved begins. A Validation Report for the Site Remediation Strategy shall be submitted to, and agreed in writing by the Local Planning Authority before completion of the development or occupation of the premises (whichever comes first).
- D.** If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority

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

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

21 Notwithstanding the details submitted within the SUDS Assessment Statement from HJ Structural Engineers reference MAS528 dated 19.07.19 and Supplementary SUDS Statement from HJ Structural Engineers reference MAS1123 dated 13.02.22 and as shown on the plans otherwise submitted and hereby approved, no drainage works shall be constructed at the site until a detailed design of a surface water drainage for the site, including the additional details specified below, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme shall be implemented at the site prior to the first occupation of the development. The scheme shall address the following matters:

- i. The applicant must provide a plan showing the drainage layout, source control measures, pollution control measures, location and type of flow control being used, location and volume of any storage and the location of the connection to the Anglian Water surface water sewer**
- ii. The applicant must provide a drainage report including calculations as to how the proposed discharge rates will be achieved. Rates must align with those within the SuDS Assessment dated July 2019 and include climate change values for the 1 in 100 event.**
- iii. Further details shall be provided regarding how the drainage meets SuDS water quality aspects for the lifetime of the development**
- iv. Further details shall be provided regarding the body that will be responsible for the maintenance of SuDS/drainage for the lifetime of the proposed development. This must include details of the required maintenance types and frequencies**
- v. A method statement must be provided outlining how surface water flood risk will be managed throughout construction**
- vi. Evidence shall be provided showing an agreement in principle from Anglian Water to accept a connect to the surface water sewer with a maximum flow rate of 3.15 l/s**

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

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

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

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

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

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 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 8 July 2022 or an extension of this time as may be agreed by the Director of Planning or Service Manager - Development Control, authority is delegated to the Director of Planning or Service Manager - Development Control to refuse planning permission for the application on grounds that the development will not secure the necessary contributions for affordable housing or education provision, or biodiversity mitigation or for highway landscape works or travel packs and that, as such, the proposal would be unacceptable and contrary to 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).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_in_frastructure_levy) or the Council's website (www.southend.gov.uk/cil).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.

03 In relation to Condition 03 and the installation of 3 new street trees as part of the S106 agreement, you are advised to contact Highways Engineer Martin Warren (Tel 01702 534328) to discuss the required 278 Highways Agreement and any associated Highways Licence. You are advised that a Highways Licence needs to be in place before any works are carried out to the public highway and you will need to employ a Council approved contractor to carry out any works.

04 The proposed development will need to be assessed against the Instrument Flight Procedures both designed and published for London Southend Airport. The assessments will need to be carried out by a third party and the costs would be passed to the developer. Please contact sam.petrie@southendairport.com 01702 538521 to arrange this.

05 Prior to demolition of the existing building an appropriate Asbestos survey of the building should be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 and the applicant's/developer's Waste duty of care. It is recommended that the Council's Building Control department is notified of the demolition in order that requirements can be made under section 81 of the Building Act 1984.