

Reference:	22/00840/FULM
Application Type:	Full Application- Major
Ward:	Shoeburyness
Proposal:	Erect 17 Light Industrial units (Class E (g) (iii)) with associated car parking and landscaping
Address:	39 Vanguard Way, Shoeburyness, Southend-on-Sea, Essex SS3 9QY
Applicant:	Mr Fergus Prentice
Agent:	Mr Andrew Cooke of Dovetail Architects Ltd.
Consultation Expiry:	30.06.2022
Expiry Date:	02.09.2022
Case Officer:	Oliver Hart
Plan Nos:	4239_PL01; 4239_PL02; 4239_PL03A; 4239_PL04A; 4239_PL05B; 4239_PL06B; 4239_PL07B; 4239_PL08A
Supporting Documents:	Design and Access Statement; Noise Impact Assessment (Ref. LA/1772/01aR/ML); Flood Risk Assessment and Surface Water Drainage/SuDs Strategy (Ref. 2885/RE/02-22/01 Rev A); Phase 1 Desktop Study Report (Report no. 17279); Envirocheck Report and Appendices (Ref. 291524179_1_1) Transport Statement ref. 24905 v2.1 Trip Rate Calculation (Pages 1-64); BREEAM Pre Assessment Report (March 2022); Energy and Sustainability Statement (March 2022); Recycling and Waste Management Strategy (RWMS); Utilities Assessment
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The application site comprises an open-air self-storage facility some 0.3ha in area (3,271sqm) that is divided into twelve fenced off compounds with a gated access route from Vanguard Way.
- 1.2 The compounds are each predominantly 150sqm in area with two larger compounds of some 230sqm and 300sqm respectively. Storage buildings are present on site and these are mixed in terms of their size, scale and form. 10 lighting columns some 4.8m high are also situated along each side of the main access road.
- 1.3 The site is located within a purpose-built industrial estate such that its immediate surroundings are characterised by commercial and industrial type buildings and uses. The site is within an area identified in the Development Management Document (2015) as employment land.
- 1.4 The site is bounded to the east by the rear gardens of dwellings at 45-79 Waking Avenue; to the south is a commercial property and dwellings at 2-4 Friars Street.

2 The Proposal

- 2.1 The application proposes the construction of 17 light industrial units with a total gross internal area of 1,565sqm. The units vary internally in area from 47sqm up to 164sqm and are proposed to be provided within three separate blocks (A, B and C) positioned in a 'U' arrangement around a central access road.
- 2.2 The units would be single storey commercial scale with a double height (internally) and would comprise sloping flat roofs between 5m and 7.8m in maximum height. The application has not specified layouts for each proposed use.
- 2.3 During the course of the application, the nature of the initially proposed uses was changed from Class B2 General Industrial to Class E(g)(iii) Light Industrial processes.

- 2.4 The proposed external materials are described as dark grey vertical metal cladding and light grey horizontal cladding with a composite metal roof and roller shutters to match the walls.
- 2.5 The site will be accessed via the existing vehicular accesses from Vanguard Way. The existing access to the north-east corner of the site will be used to access the loading bay of Unit 1. The other will be used for the communal entrance. The communal yard will have a communal access road running centrally with car parking and loading bays positioned near to unit entrances. In total, 21 car parking spaces including provision for disabled people are to be provided together with cycle stands for 12 bicycles. In addition, 12 'Steadyrack' (or similar bicycle hangers) will be provided inside the units.
- 2.6 Soft landscaping is also proposed, including where possible between car parking areas as well as boundary hedging and tree planting to the eastern and southern boundaries with those properties along Waking Avenue and Friars Street. Full details of soft landscaping have not explicitly been provided at application stage. A green roof is shown over the entirety of block C.
- 2.7 The applicant has provided supporting documents with regards to noise impact, flood risk, drainage and ground engineering, design and access and sustainability, transport impacts and land contamination.

3 Relevant Planning History

- 3.1 20/00292/AD- Application for approval of details pursuant to condition 10 (details of acoustic fence) of planning permission 18/02157/FUL dated 15.02.2019- Granted
- 3.2 19/01188/AMDT- Application to vary condition 06 (height of storage) alterations to storage height and remove condition 10 (details of acoustic fence) deemed unnecessary in this location (Minor Material Amendment of planning permission 18/02157/FUL dated 13/06/2019)- Refused
- 3.3 18/02157/FUL- Use of land as Commercial Storage Yard (B8) incorporating 12 bays with storage outbuildings, erect lighting columns, erect fencing/gates within and around the site boundary and lay out hardstanding area together with the formation of an additional vehicular access from Vanguard Way (Retrospective)- Granted

Enforcement

- 3.4 19/00254/BRCN_B- Breach of Condition on planning application 18/02157/FUL- Case Closed
- 3.5 20/00058/ENFNOT- Appeal against Enforcement Notice- Allowed in Part.

4 Representation Summary

4.1 Public Consultation

34 neighbouring properties were notified, a site notice was posted and a press advert was placed. 2no. letters of representation have been received. Summary of comments:

- Noise concerns from not knowing what the proposed usage of the units will be
- Hours of operation should be restricted.

- Should be no working on Saturday afternoons, Sundays or public holidays
- Heights of buildings should not impact on light into neighbouring gardens.

[Officer Comment] All relevant planning considerations have been assessed within the appraisal section of this report. These concerns are noted and where they relate to material planning considerations have been taken into account in the assessment of the application however they were not found to represent a justifiable reason for refusal in the circumstances of this case.

4.2 **Environmental Health**

No objection subject to conditions recommended relating to submission of a construction management plan; restricting operational noise and noise from deliveries/collections; external lighting details, refuse and recycling.

4.3 **Highways**

No objection. Vanguard Way is an existing industrial estate. The applicant has provided off street parking. The area also has on street parking availability. It is not considered that the proposal will have a detrimental impact on the local highway network.

Strategic Transport Team

4.4 No objection. This doesn't create a significant increase in the volume of traffic.

4.5 **Lead Local Flood Authority**

No objection subject to conditions requesting additional drainage/capacity information.

4.6 **Anglian Water**

No objection subject to condition requiring details of foul water drainage works.

4.7 **Fire Service**

No objections.

5 **Planning Policy Summary**

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

5.2 Planning Practice Guidance and National Design Guide (2021)

5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas), DM14 (Environmental Protection) and DM15 (Sustainable Transport Management)

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

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

5.7 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)

5.8 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, design and impact on the character of the area, impact on residential amenity, traffic and transport, sustainability, drainage, waste, biodiversity and CIL implications.

7 Appraisal

Principle of Development

7.1 Policy KP1 seeks sustainable development by focussing regeneration and growth towards Priority Urban Areas which includes the main industrial/employment areas including the Vanguard Way estate.

7.2 Policy DM10 of the Development Management Document supports development that promotes sustainable economic growth by increasing the capacity and quality of employment land and seeks to direct uses such as manufacturing, construction and warehousing to existing employment areas.

7.3 Policy DM11 of the Development Management Document (section 2) relates to the use of designated employment areas and supports the retention, enhancement and development of Class B uses (this includes B2, B8 and Class E(g) uses) within the Employment Areas shown on the Policies Map and described in Policy Table 8.

7.4 The site is within an identified Employment Area which is a priority urban area for employment-led regeneration and growth. The proposed light industrial units vary in size and are considered suitable for a variety of start-ups and small businesses and would also provide additional employment opportunities for the City. This would be commensurate with the development plan objectives discussed above.

7.5 On this basis, it is considered that the proposed development is acceptable in principle, and compliant with policy objectives in these regards, subject to detailed considerations which are discussed below.

Design and Impact on the Character of the Area

7.6 The NPPF states that planning decisions “should ensure that developments ...are visually attractive as a result of good architecture and ...are sympathetic to local character including the surrounding built environment while not preventing or discouraging appropriate innovation or change (such as increased densities)”.

7.7 The National Design Guide notes that context including the grain of development, landscaping and the natural environment are important aspects of place and good design. Well-designed new development is integrated into its wider surroundings and responds positively to its context.

7.8 Policy DM1 requires development to respect the townscape and contribute positively to the space between buildings and their relationship to the public realm.

- 7.9 The proposed development is situated within the envelope of the industrial estate and is considered to be reasonably consistent with the established urban grain and the general character of the area.
- 7.10 The proposed buildings would, by virtue of their height and length have a larger scale than the established buildings in the immediate context, but this is considered to be within acceptable parameters.
- 7.11 Boundary treatments, surfacing and soft landscaping have been indicated and are considered to be acceptable. The soft landscaping and boundary planting in particular are considered to help to soften the visual impact of the proposed development when viewed from within the industrial estate and from the rear of dwellings along Friars Street and Waking Avenue. Final specifications of external materials, surfacing, planting, gates and fences can reasonably be secured through planning conditions.
- 7.12 On this basis, and subject to the described conditions, the application is considered to be acceptable and policy compliant in its design and character impacts.

Impact on Residential Amenity

- 7.13 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.
- 7.14 The neighbouring dwellings at Waking Avenue have rear gardens a minimum length of some 28m. These adjoin the application site and are situated at a lower ground level. No's 2 and 4 Friars Street are separated from the site by some 16m and 20m respectively as well as by an intervening yard.
- 7.15 The development is relatively tall but not unusually so for industrial development. The development has been designed with a generally flat roof form which slopes and falls away toward the front and rear elevations which reduces its resultant scale and impact. The separations involved to the adjacent neighbouring rear boundaries and rear habitable room windows along Waking Avenue (some 28m) are such that it is considered, on balance, that the built form in its own right and by reason of its scale, form and position would not significantly harm the residential amenity of nearby occupiers in terms of dominance, an overbearing impact, loss of light and outlook nor an undue increased sense of enclosure. This view takes account of localised differences in ground levels.
- 7.16 With regards to No's 2 and 4 Friars Street, it is noted the separation distances, whilst still significant, are reduced when compared with those along Waking Avenue. To achieve a suitable relationship for this part of the proposal, amended plans have been received during the course of the application reducing the maximum height of the nearest proposed Block ('B') to 5m. When considered relative to the height of a traditional two storey dwellinghouse, this height would be below the eaves line of a typical dwelling such that its resultant amenity impact (with regard to dominance and an overbearing impact) is considered, on balance, to be acceptable in the circumstances here.

- 7.17 The proposed boundary planting and hedging as indicated on submitted plans, which the applicant has confirmed can be a native species with access strips alongside for maintenance, would further mitigate the development's visual impact. Under the circumstances, it is considered reasonable and proportionate that a condition be imposed to require that details of the boundary planting be submitted to and approved by the Local Planning Authority.
- 7.18 The buildings' principal active areas would be faced away from the neighbouring residential areas and into the industrial estate such that neighbour privacy would be maintained.
- 7.19 The applicant has not specified the processes to take place at the site and seeks flexibility within a light industrial (class E (g) (iii)) use. Such uses are described as any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 7.20 The applicant has provided a Noise Impact Assessment (NIA) which concludes that, accounting for the layout and the existing characteristics of the area, light industrial uses could maintain or improve existing noise impacts to nearby residential occupiers subject to a suitably worded condition.
- 7.21 The Environmental Health Service has confirmed no objection on noise grounds subject to conditions. On this basis, it is considered that Class E(g)(iii) uses could reasonably be operated in this context without noise impacts harmful to the amenities of nearby residential occupiers, subject to suitable planning conditions including hours of deliveries, means of attenuation of noise and vibration, and noise levels.
- 7.22 Given the orientation of the development in relatively close proximity to neighbouring properties together with the quantum of potential units, it is considered necessary and proportionate to restrict opening hours broadly in line with neighbouring operations to protect neighbour amenity, through a planning condition.
- 7.23 Industrial processes have the potential to generate fumes requiring extraction, with potential impacts on the amenities of nearby occupiers. Given the setting of the building within the industrial estate it is considered that this matter can be reasonably dealt with through a condition requiring details of extraction and fume control methodology where appropriate.
- 7.24 Specific details of external lighting have not been provided but can also reasonably be dealt with via a condition.
- 7.25 It is considered the proposal is acceptable and policy compliant on residential amenity grounds subject to planning conditions described above.

Traffic and Transportation Issues

- 7.26 The NPPF states (para 111) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."

- 7.27 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposed uses.
- 7.28 The application proposes 21 car parking spaces across the site. These would be accessed via the existing vehicular accesses from Vanguard Way.
- 7.29 The adopted parking standards identify the maximum provision of 1 space per 30sqm for a B1 light industrial use. The application proposes Class E(g)(iii) space; the former B1 use classification corresponds most closely to this and has been absorbed into Class E further to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. It is therefore considered that the B1 parking standards are relevant and these would require a maximum provision of 52 spaces. Given the site's relative sustainability, readily accessible by public transport and on foot from other parts of the City and presence of nearby on-street parking, it is considered that a lower than the maximum standard parking provision would be acceptable in this instance and would not give rise to a significantly harmful impact on the local highway network.
- 7.30 Cycle parking standards are expressed as a minimum requirement and in this instance at least 15 spaces would be required. The application proposes 24 cycle spaces across the site. Secure and sheltered cycle provision for 12 bicycles is proposed external to the proposed units. Further cycle parking provision for 12 cycles is to be provided internally within the units themselves.
- 7.31 Highways have confirmed no objection to the provision of 21 car parking spaces and given that the required standard is expressed as a maximum, together with the established use of the site and the potential provision of secure covered cycle storage the proposed parking provision is considered acceptable.
- 7.32 Given that no changes to the established vehicular accesses are proposed, that the character of the use would be similar to the previous use of the site, and that there are no objections from Highways, the proposed arrangement from a servicing viewpoint is considered acceptable. The application is acceptable and policy compliant in parking and highways regards.

Sustainability and Biodiversity

- 7.33 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)". The submitted plans indicate potential locations for Photovoltaic (PV) panels on the roof. It is considered there is reasonable scope for provision and this can be secured through a planning condition.
- 7.34 Policy DM2 of the Development Management Document require new commercial buildings to achieve at least "BREEAM 'very good' rating".

- 7.35 A BREEAM pre assessment report has been submitted with the application. Within the Summary section it is concluded that the scheme achieves an anticipated score of 55.46% which equates to a 'very good' rating. Subject to a condition to ensure this is achieved on site, no objections are raised on this basis.
- 7.36 Further to the adopted SPD, 20% of non-residential parking spaces should be provided with one active charging point each, and 80% of non-residential parking spaces must be provided with passive provision. The application does not identify provision. It is considered that the necessary provision can be reasonably secured through a planning condition.
- 7.37 Having regard to matters of biodiversity, the site appears to have limited biodiversity value given the existing operations taking place, the extent of hard surfacing and absence of green spaces. It is noted soft landscaping is proposed across the site including the provision of a green roof over Block C and this is considered a positive aspect of the scheme. It is considered further enhancements can be sought by way of a suitably worded condition.
- 7.38 The application is considered acceptable and policy compliant in the above regards subject to conditions.

Flooding and surface water drainage

- 7.39 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere.
- 7.40 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.41 The proposed development would be built within undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed to ensure that there is no increased risk of flooding on site or elsewhere. Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be required by condition. Subject to this, the development would be acceptable and policy compliant in these regards.

Waste Management

- 7.42 The supporting 'Recycling and Waste Management' Strategy indicates that refuse storage will occur internally for each unit, with each unit to be supplied by a minimum of a 660L Recycling bin and a 360L general waste bin. Each occupier will make their own waste arrangements independently with an authorised waste collector. If the business produces hazardous waste, the waste collector chosen by the business owner should be a specialist in collecting and disposing of such waste. The strategy advises this will be the responsibility of the new business owner.
- 7.43 It is considered that full details of waste storage and servicing arrangements can be secured through a condition. On this basis, no objections are raised.

Equality and Diversity

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

Community Infrastructure Levy (CIL)

- 7.45 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 991sqm, which may equate to a CIL charge of approximately £39,967.60 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having 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 local and national planning policies and guidance. The proposal would be acceptable in principle and would have an acceptable impact on the character of the area and, on balance, on the amenities of neighbouring occupiers. There would be no significantly adverse parking or highways impacts and it would be acceptable on sustainability, biodiversity, drainage and waste grounds. The proposal would have a public benefit of reusing previously developed land at an appropriate location for employment generating business purposes. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 4239_PL01; 4239_PL02; 4239_PL03A; 4239_PL04A; 4239_PL05B; 4239_PL06B; 4239_PL07B; 4239_PL08A

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

- 03. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the ground floor slab level shall take place until and unless specifications of the materials to be used in the construction of the external elevations of the development hereby permitted, including details of hard surfacing, 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 occupied.**

Reason: In the interests of visual amenities further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) and advice in the National Design Guide (2021) the Southend-on-Sea Design and Townscape Guide (2009).

- 04. No deliveries or collections, including haulage movements connected with the development hereby approved, shall take place at the site outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 Saturday. No deliveries or collections of any kind shall take place on Sundays or Bank Holidays.**

Reason: In the interests of resident amenities further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 05. The development hereby approved shall not operate outside the following hours: 07:30 to 18:30 Monday to Friday; 08:00 to 13:00 Saturdays and it shall not operate at any other times including at any time on Sundays or bank holidays.**

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

- 06. Hours of construction works in association with the development hereby approved shall be 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday. No works shall be carried out on Sundays or Bank Holidays.**

Reason: In the interests of resident amenities further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 07. No development shall take place, including any works of demolition, until a Construction Method Statement 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, 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 noise, dust and dirt during construction vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: This pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers and the highway safety in accordance with the National Planning Policy Framework (2021), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 08. Before any external lighting is installed in association with the development hereby approved, details of its location, design and specification shall have been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The lighting shall be installed and operated solely in accordance with the approved details.**

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 09. The rating level of noise for all activities associated with the development hereby approved at the site (including all process operations within the buildings, extract ventilation and air-cooling plant inside and outside of the buildings, amplified and unamplified music and human voices) shall be limited to 10dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone and intermittency, and background noise levels shall be established for discrete periods;**

**Daytime hours 0700 to 1900,
Evening 1900 to 2300 and
Night 2300 to 0700.**

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

Details of how noise and vibration will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority prior to first operation of the development hereby approved. The development hereby permitted shall not be operated other than in accordance with these approved details.

Reason: In the interests of the amenities of the area and nearby residents, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 10. Prior to first use of the development hereby approved, a post completion noise survey must have been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the actual plant and equipment noise levels are in excess of 10 dB(A) below background noise levels or there are any other characteristics that are liable to cause the noise to be a statutory nuisance details of further noise mitigation shall be submitted to and agreed in writing by the Local Planning Authority pursuant to this condition, and implemented prior to the first use of the development.**

The final noise mitigation scheme shall be operated and maintained thereafter for the lifetime of the development.

Reason: In the interests of resident amenities further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 11. Prior to the first use of any individual unit within the development hereby approved, full details of any externally mounted equipment to be installed for the extraction and control of fumes and odours in association with the use of that unit shall have been submitted to and approved in writing by the Local Planning Authority pursuant to this condition and shall include a maintenance schedule for the future operation of that equipment. Such a scheme shall be in accordance with current guidance from DEFRA, the Heating and Ventilating Contractors' Association (HVCA) and any current best practice or statutory guidance. The use of that unit shall not take place thereafter other than in full accordance with the details approved under this condition.**

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

- 12. Prior to the first occupation of any part of the development hereby approved, full details of refuse and recycling facilities, including a waste management strategy, shall have been submitted to and approved in writing by the Local Planning Authority.**

The refuse and recycling facilities and waste management strategy shall be provided and made available for use at the site in accordance with the approved details prior to its first use and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of residential amenities and environmental quality further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 13. The development hereby approved shall only be used for purposes falling within Use Class E(g)(iii) as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted. The development shall not be used for any other purpose, including any purpose otherwise permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to those Orders in any statutory instrument revoking and re-enacting these Orders, with or without modification.**

Reason: To define the scope of this permission in the interests of residential amenities and environmental quality, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 14. Prior to first occupation of the development hereby approved, the car parking arrangements shown on plan 4239_PL08A shall have been provided and made available for use at the site in accordance with the details shown and shall be permanently retained as such thereafter. The car parking spaces shall be kept available solely for vehicle parking for staff and customers of the development.**

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

- 15. Prior to first occupation of the development hereby approved, the cycle parking shown on plan 4239_PL03A shall have been provided and made available for use at the site in accordance with the details shown and shall be permanently retained as such thereafter. The cycle parking spaces shall be kept available solely for the use staff and customers of the development.**

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

- 16. Prior to first occupation of the development hereby approved passive provision shall have been provided for 17 car parking spaces for electric vehicle (EV) charging points and active electric vehicle (EV) provision provided for at least 4 car parking spaces.**

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

- 17. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be occupied until full details of soft landscaping works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping works shall be carried out within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:**
- means of enclosure of the site including any gates or boundary fencing;**
 - details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;**
 - measures to enhance biodiversity.**

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

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

- 18. Prior to commencement of any drainage related works associated with the development hereby approved, a drainage scheme comprising details of drainage infrastructure (including foul and surface water drainage infrastructure, connection points and discharge rates) and a drainage management plan must be submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details.**

Reason: This condition is required to prevent flooding, drainage, environmental and amenity problems arising from the development, in accordance with Policies KP1 and KP2 of the Core Strategy (2007).

- 19. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development hereby approved shall provide no more than 1,565sqm square metres of floorspace at any time and no mezzanine floorspace shall be erected in the development without the prior receipt of express planning permission from the Local Planning Authority.**

Reason: To ensure the development delivered is consistent with the permission sought and in the interests of parking and amenity in accordance with policies CP1 and CP3 of the Core Strategy (2007) and policies DM10 and DM15 Southend-on-Sea Development Management Document (2015)

20. Part A –

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

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

Part B –

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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C –

The development hereby permitted shall not commence other than that required to carry out the agreed remediation until the measures set out in the approved Remediation scheme have been implemented., The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Part D –

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 within 7 days to the Local Planning Authority. Development must be halted on that part of the site 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 before the development is brought into use.

Reason: For the avoidance of land contamination and human health in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP1 and KP2 and Policy DM14 of the Development Management Document (2015).

- 21. The development hereby approved shall not be first used unless and until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating at least “Very Good” has been achieved for the development and a copy of this certification has been submitted to the Local Planning Authority under the provisions of this condition.**

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), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 22. Prior to first use or 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 and implemented on site in accordance with the agreed details.**

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), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

Positive and Proactive Statement

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

Informatives:

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal or the Council's website (www.southend.gov.uk/cil).**
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.**
- 3 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**
- 4 Please note that advertisements e.g. signage for the light industrial unit(s) will be likely to require separate advertisement consent as appropriate.**
- 5 Detailed drainage layouts for the site should be provided with evidence of correspondence with Anglian Water regarding permission for any new connections.**