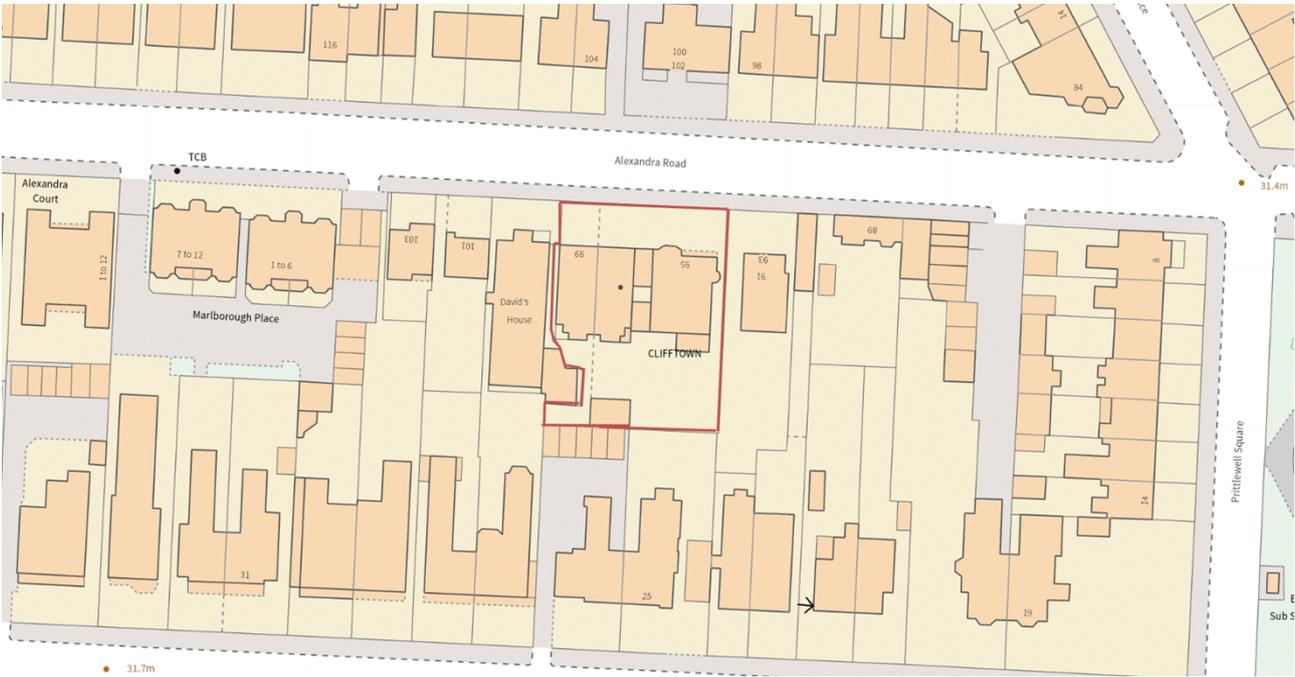


Reference:	24/00136/FUL	
Application Type:	Full Application	
Ward:	Milton	
Proposal:	Demolish link infill extension between existing buildings and convert existing 30 bed care home into 1 x block of 8 residential flats (Class C3) (east building) including a three-storey rear extension and 1 x block of serviced accommodation of 10 self-contained units (Sui Generis) (west building) including part demolition of existing rear extensions and erect part ground floor, part 2nd floor rear extension, roof terraces, balconies and Juliet balconies, extend existing vehicle crossover, reconfigure driveway and car parking spaces, reposition front boundary piers, bin stores, convert existing garden office into cycle stores, erect new boundary treatments to form private and communal gardens (Amended Proposal).	
Address:	Melrose House 95 - 99 Alexandra Road Southend-on-Sea Essex SS1 1HD	
Applicant:	Mr Woolley of TWL Property Developments 1 Ltd	
Agent:	Mr Maz Rahman of RD architecture Ltd.	
Consultation Expiry:	13.03.2024	
Expiry Date:	05.04.2024	
Case Officer:	Abbie Greenwood	
Plan Nos:	2352-100-P3, 2352-110-P5, 2352-120-P4, 2352-130-P4, 2352-140-P3, 2352-210-P3, 2352-220-P3	
Supporting Documents:	<p>Justification Statement for Loss of Care Home reference 01_2023.08.09 by RD Architecture.</p> <p>Planning, Design and Access Statement reference 01_2023.08.09 by RD Architecture.</p> <p>Heritage Statement reference 01_2023.08.09 by RD Architecture.</p> <p>Arboricultural Impact Assessment (Preliminary) by Moore Partners Ltd dated 22.01.24.</p> <p>Arboricultural Method Statement by Moore Partners Ltd dated 22.01.24.</p>	

	<p>Tree Protection Plan reference RD/ALXR/01.</p> <p>Flood Risk Assessment reference 01_2023.08.09 by RD Architecture.</p> <p>Cycle Store Details reference 01_2024.03.13.</p> <p>Travel Statement reference 02_2024.03.12.</p> <p>Management Statement reference 02_2024.03.13.</p>
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The application site is in Clifftown Conservation Area on the south side of Alexandra Road and is occupied by three early C20 dwellings, formerly a detached dwelling and a semi-detached pair, which were amalgamated via an infill extension and extended to the rear it appears originally in 1961 to form a guest house then converted into a 30 bed care home in 1984.
- 1.2 The western semi-detached properties have double height bays and prominent gables with feature arched windows. The eastern property has more of an Arts and Crafts style with curved bay and dentil string course detailing (i.e. a series of small blocks resembling square-shaped teeth) and recessed feature porch. Both have leaded windows and tall chimneys. The linking section, the replacement of some windows with UPVC, the poor-quality balustrading, the flat roofed rear extensions and the concrete on the frontage have caused harm to the character of these historic buildings but overall they have the potential to make a positive and significant contribution to the character of the conservation area. The Clifftown Conservation Area Appraisal therefore identifies the buildings as making a positive* contribution to the character and appearance of the conservation area (meaning the building is potentially positive to the character's area but needs improvement or restoration).
- 1.3 Alexandra Road is characterised by its eclectic mix of historic properties of a variety of designs. This makes for an interesting streetscene and contrasts with the more formal and uniform terraces at the eastern end of the conservation area. The former Southend Synagogue to the immediate west of the site is a locally listed building. There are two large street trees to the front of the site which form part of a row of mature trees running along Alexandra Road. This landscape feature makes a positive and significant contribution to the character of the conservation area.
- 1.4 The site falls within the Southend Central Area Action Plan (SCAAP) Clifftown Policy Area. Aside from the conservation area designation, there are no other site specific policies although this area generally, close to the seafront and town centre, is specifically identified in the Development Management Document Policies Map as being suitable for visitor accommodation under Policy DM12. The site is in Flood Zone 1.

2 The Proposal

- 2.1 The proposal seeks permission to demolish the linking section between the existing buildings and convert the existing 30 bed care home into 1 x block of 8 No residential flats (Class C3) (east building) including demolition of the existing rear extensions and the erection of part single storey, part two storey, part three storey rear extensions including rear balconies and dormers to the side and rear roof slopes, and 1 x block of serviced accommodation of 10 self-contained units (Sui Generis) (west building) including part demolition of the rear extensions and the erection of a part ground floor, part second floor rear extension including balconies to the rear.
- 2.2 The proposed rear extension to the eastern building is 8m deep, 7.2m wide, reducing to 7m deep at first floor and above and has a hipped roof with an eaves height of 6.3m and a ridge height of 11.3m and a dormer to the west side.
- 2.3 The proposed rear extension to the western building consolidates the existing 3 storey rear extensions into a more uniform arrangement and has a maximum depth of 1.4m a maximum width of 5.1m and a flat roof with a maximum height of 9.6m including the

enlargement of the existing rear balconies at first floor.

2.4 Aside from the extensions, the external alterations to the existing building include:

Eastern Property

- 2 x new French door openings, 1 x new single door and 1 x new window to the east elevation at ground floor.
- Reinstatement of lost leaded glazing in the existing front dormer to match other windows.
- Reinstatement of the flank wall and eaves to the west side and new openings to the west elevation including 2 French doors and 1 new window at ground floor and 1 new window at first floor.
- Formation of two rear balconies with privacy screens at first floor and two new dormers one with a balcony to the rear within the existing roof.

Western Semi-Detached Properties

- Reinstatement of the front door to No 97 and reinstatement of leaded glass in the western gable to match.
- Replacement of front balcony balustrades with new painted timber balustrades.
- Reinstatement of the eaves and flank wall to the east side and install 1 x window and remove 3 x existing windows at ground floor and remove 5 x existing windows at first floor level to the east side.
- Insert 3 x new French doors at ground level and remove 3 existing windows at first floor to the west side.

2.5 The majority of the flats and serviced accommodation units have balconies, Juliettes or terraces to the rear. Some of these replace existing balconies.

2.6 The proposal would be constructed of:

- Matching render for the existing building alterations.
- The existing front timber original windows and doors will be retained and reinstated to match where lost. New windows and French doors to the side and rear are proposed as UPVC.
- New painted timber balustrades to the front balcony (west pair) and black metal balustrades to the rear. Black metal brise soleil to the rear (west pair)
- White render and clay tiles to match the existing roof for rear extensions (east building). Matching decorative eaves detail to the frontage building reinstatement works.

2.7 The proposed mix of units is as follows:

	Flats (East)	Serviced Accommodation (West)
Studio	-	8
1 bed 2 person	3	-
2 bed 3 person	5	1
2 bed 4 person	-	-
3 bed 4 person	-	1
Total	8	10

2.8 The front forecourt area will provide 6 parking spaces, 4 for the flats and 2 for the serviced apartments. These works include slight widening of the western vehicular opening, although the existing crossovers are unchanged, new block paving and landscaping to the frontage. Refuse storage will be provided between the two buildings and cycle storage in the rear garden.

2.9 The proposal is an amended application following a refusal for a scheme in 2023 reference 23/01326/FUL for the proposed works '*Demolish linking section between existing buildings and convert existing 30 bed care home into 1 x block of 8 No residential flats (Class C3) (east building) including demolition of existing rear extensions and erection of single storey front extension and part single storey, part two storey part three storey rear extension including rear balconies and dormers to side and rear roofslopes, and 1 x block of serviced accommodation of 10 self-contained units (Sui Generis) (west building) including part demolition of rear extensions and erection of part ground floor part 2nd floor rear extension including balconies to rear, alter elevations of both buildings and layout 6 parking spaces, landscaping and refuse store to frontage and cycle store to rear.*' This application was refused for the following reasons:

01 The proposed development, by reason of the proposed alterations to the historic features of the existing buildings at Nos 95-99 Alexandra Road including the existing windows and front extension, the loss of the east side feature chimney, the alterations to the existing roof of No 95 Alexandra Road including the proposed east side dormer, the alterations of the front dormer and the additions to the rear roofscape, the design of the proposed fenestration to the existing buildings and the scale, form and detailed design of the proposed rear extension to No 95 Alexandra Road, would cause significant harm to the character and significance of the existing building, the setting of the adjacent locally listed building and the character and appearance of the wider Clifftown Conservation Area. Whilst this harm would be less than substantial, it is nevertheless significant in degree and not outweighed by any public benefits of the proposal. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Clifftown Conservation Area Appraisal (2021).

02 The proposed development has failed to robustly demonstrate that the proposed parking layout is viable and can accommodate 6 useable car parking spaces for the proposed development and that any vehicles using the parking spaces would have safe and satisfactory access arrangements to and from the highway without prejudicing highway safety. The proposed amendments to the existing vehicular accesses would also result in the loss of an on street parking space within the controlled parking zone at the front of the site. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the advice in the Southend-on-Sea Vehicle Crossing Policy and Application Guidance (2021).

03 The proposal has failed to demonstrate that the amended vehicular accesses, the repaving of the forecourt area and the amendments to the boundary wall would not cause significant harm to the roots of the two mature London Plane street trees to the front of the site which are important to the character of the streetscene and wider Clifftown Conservation Area. This is unacceptable and contrary to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development

Management Document (2015) and the advice contained within the National Design Guide (2021) Southend-on-Sea Design and Townscape Guide (2009) and the Clifftown Conservation Area Appraisal (2021).

04 The proposal would, by reason of the scale, massing, form, siting and detailed design of the proposed rear extension to No 95 Alexandra Road, result in an overbearing relationship, harm to outlook and privacy and an undue sense of enclosure for the flats at Jeffery Court, 91-93 Alexandra Road, to the significant detriment of the amenity of their occupiers. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 The development, including the change of use to housing, offers no suitable mitigation of the in-combination effect of the net increase of eight dwellings on habitats and species in accordance with the Conservation of Habitats and Species Regulations (2017), as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020). This is unacceptable and contrary to National Planning Policy Framework (2021), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM3 and DM6 of the Development Management Document and the guidance contained within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020).

2.10 In order to address these reasons for refusal, the following comparative changes have been made within this proposal:

Reason for Refusal 01 Design and Heritage

- The front infill extension has been omitted from the proposal and the original feature entrance and doors retained.
- The existing original leaded windows to the front elevation are retained and the previously altered front windows reinstated to match the original design.
- The eastern original chimney is retained and a previously proposed dormer on this side replaced with a rooflight.
- The proposed UPVC doors on the side elevation of No 95 closest to the front elevation have been omitted from the scheme and the remaining doors in the side changed from patio style to French doors.
- The rear extension to No 95 has been amended to rationalise the design and form.
- Existing first floor west side windows at No 99 are retained.
- The design of the alterations to the rear of Nos 97-99 have been simplified.
- Associated internal layout changes.

Reason for Refusal 02 Parking and Crossovers

- The parking layout has been amended to make it more accessible to vehicles and more landscaping added. The overall number of proposed off-street parking spaces remains unchanged at 6.
- Previously proposed alterations to the existing crossovers have been omitted from the design.

Reasons for Refusal 03 Impact on Street Trees

- An arboricultural report, method statement and tree protection plan have been submitted setting out how the mature street trees will be protected during the

development.

Reason for Refusal 04 Impact on Neighbours (Jeffreys Court)

- The scale and design of the proposed rear extension at No 95 has been amended to increase the minimum separation from the boundary with Jeffreys Court from 3.6m to 4.2m.
- The feature canted bay windows and dormer to the east elevation of the proposed extension have been omitted and replaced with a simple flat window and rooflight.
- A line of trees is proposed to the east boundary with Jeffreys Court to provide additional softening and screening to this neighbouring building.

Reason for Refusal 05 RAMS

- The RAMS tariff for the 8 new flats has been paid.

3 Relevant Planning History

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

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
86/1197	Use former dwellinghouse as old persons home ancillary to use at 95/97 Alexandra Road.	Granted
86/1752	Erect rear extension at roof level and re-tile existing roof.	Granted
03/01440/FUL	Erect three storey extensions to sides and rear to be used ancillary to residential care home.	Granted
04/00195/FUL	Form glazed link at second floor level.	Granted
10/01487/FUL	Erect part single storey and part two storey rear extension with dormer to create seven additional bedrooms and ancillary facilities.	Refused
23/01326/FUL	Demolish linking section between existing buildings and convert existing 30 bed care home into 1 x block of 8 No residential flats (Class C3) (east building) including demolition of existing rear extensions and erection of single storey front extension and part single storey, part two storey part three storey rear extension including rear balconies and dormers to side and rear roof slopes, and 1 x block of serviced accommodation of 10 self-contained units (Sui Generis) (west building) including part demolition of rear extensions and erection of part ground floor part 2nd floor rear extension including balconies to rear, alter elevations of both buildings and layout 6 parking spaces, landscaping and refuse store to frontage and cycle store to rear	Refused

4 Representation Summary

Public Consultation

4.1 Forty-two (42) neighbours were twice consulted by letter, a site notice was displayed and a press notice published. 54 representations have been received from 30 addresses raising the following summarised comments:

- Loss of care home is a concern and unjustified. The care home could be turned around with better management.
- Too many flats. Overdevelopment. Overcrowding. Density concerns. 3 family homes would be more appropriate.
- Impact on character of the conservation area from the proposed flats. Blocks of flats are out of character. Design concerns. Impact on heritage. Out of keeping. The building should be restored and preserved. Original features should be preserved. Unsightly refuse storage on frontage. Railings should be added to the front boundary. The extension is too large. Contrary to conservation area policy.
- The Article 4 Direction should be extended to cover this area and control inappropriate development. **Officer Comment: The Article 4 for Clifftown only covers alterations to dwellinghouses which would otherwise be permitted development such as changes to windows. The current buildings have no permitted development rights for these changes.**
- Visual impact of cycle storage.
- Lack of parking. The area will not be able to cope with the demand for additional parking permits. Safety impacts from double parking. Area of parking stress due to proximity to town centre and seafront. **Officer Comment: The development would not be eligible for parking permits within the Clifftown Controlled Parking Zone as confirmed in the Highways consultation response at 4.3 below .**
- Traffic generation, congestion, noise and pollution. Additional vehicles and cycling will be a danger to children using the adjacent nursery.
- Impact on neighbour amenity. Overlooking and loss of privacy. Overshadowing. Loss of light. Noise and disturbance from comings and goings. Impact on tranquillity of area. How will the serviced apartments be managed and maintained?
- Impact on services and local infrastructure including schools and drains.
- Impact on property values. Short term lets have higher rents. Impact on local businesses.
- Tourists should be encouraged to come to this area.
- Concern about future tenants – no control. Crime. Antisocial behaviour. Temporary residents are not invested in an area. Increased risk of terrorism.
- Concern that serviced apartments will be used as flats.
- Concern over change of use of serviced accommodation as HMO. HMOs are inappropriate / out of character. Too many HMOs in area. The proposal should not be used by the government as a bail hostel or for asylum seekers. **Officer Comment: The application is not seeking planning permission for an HMO and change of use can be restricted by condition. See paragraph 7.17 below for an explanation of proposed uses.**
- Impact on existing small hotels. The location is not suitable for a hotel. Serviced lets are unviable in this area.
- Queries about applicant.
- Serviced lets should not be self contained.
- Impact on local wildlife.
- Impact on adjacent nursery including overlooking of covered play area.
- Noise and disturbance during construction.
- A petition of 126 names has also been submitted in objection to this application.

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.

Consultees

Adult Social Care

4.2 No objections.

For information: Adult Social Care Comment from 2023 Application.

No objections to the loss of this care home as the City is oversubscribed with care homes as set out in the Council's Market Position Statement dated July 2023. This facility was recently rated as 'requires improvement' in all areas of assessment.

Highways

4.3 There are no highway objections to this proposal. It is acceptable in highways terms. Future occupiers will not be eligible for residential parking permit.

Environmental Health

4.4 No objections subject to conditions relating to a construction management plan and refuse and recycling and informatives relating to asbestos and pollution legislation.

Parks (Trees)

4.5 Leaving the pavement and existing crossovers in situ will be better for the street trees and the protection measures and methods of concrete removal are adequate. I do note though that there are cracks in the walls to be left that could be due to root expansion underneath. The wall may need to be rebuilt on closer examination or when the concrete is broken adjacent to it, allowing space for the roots.

Lead Local Flood Authority (LLFA)

4.6 No objections subject to a condition requiring information be provided to show how the new extension will be drained, and how this links with the existing drainage network.

Essex Fire Service

4.7 No objections.

Essex Police

4.8 We would welcome discussions with the applicant regarding access, postal storage, refuse and cycle storage and security.

Anglian Water

4.9 No objections subject to an informative relating to connection to Anglian Water assets and a condition relating to sustainable drainage.

The Clifftown Conservation Society

4.10 Concern that an HMO is inappropriate in this location and should be spread more

widely throughout the city.

Officer Comment: The application is not seeking planning permission for an HMO. See Paragraph 7.17 below.

Procedural matters

- 4.11 This application is presented to the Development Control Committee because it has been called in by Cllr Sadza.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2023)
- 5.2 Planning Practice Guidance (PPG) (2023)
- 5.3 National Design Guide (NDG) (2021)
- 5.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.5 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP6 (Community Infrastructure) and Policy CP8 (Dwelling Provision).
- 5.6 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM5 (Southend-on-Sea's Historic Environment), Policy DM6 (Southend Seafront), Policy DM8 (Residential Standards), Policy DM9 (Specialist Residential Accommodation), Policy DM12 (Visitor Accommodation) and Policy DM15 (Sustainable Transport Management).
- 5.7 Southend Central Area Action Plan (SCAAP) (2018) Policy PA6 (Clifftown Policy Area Development Principles)
- 5.8 Southend-on-Sea Design and Townscape Guide (2009)
- 5.9 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.10 Southend-on-Sea Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 5.11 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 5.12 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.13 Southend-on-Sea Vehicle Crossing Policy & Application Guidance (2021)
- 5.14 Clifftown Conservation Area Appraisal (2021)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the

development including the loss of the existing care home, the design and impact on the character and appearance of the area, including heritage assets, the standard of accommodation and residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use, sustainability, refuse and recycling storage, tree impacts, ecology mitigation for impact on designated sites and CIL liability and whether the amended proposal has overcome the reasons for refusal of the previous 2023 application.

7 Appraisal

Principle of Development

- 7.1 The provision of new high-quality housing is a key Government objective.
- 7.2 Paragraph 123 of the NPPF states '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*'
- 7.3 Amongst other policies to support sustainable development, the NPPF seeks that the supply of housing be boosted by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 128 states:
- 128. Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) local market conditions and viability;*
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
 - e) the importance of securing well-designed, attractive and healthy places.*
- 7.4 Policy KP2 of the Core Strategy requires that "all new development contributes to economic, social, physical and environmental regeneration in a sustainable way."
- 7.5 Policy CP4 requires that new development "maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments" and that this should be achieved by "maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development."
- 7.6 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It seeks that 80% of residential development be provided on previously developed land.
- 7.7 Policy DM3 of the Development Management Document states that "the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity."

Loss of Care Home

- 7.8 Policy CP6 seeks to ensure the needs of all residents and visitors, including the disabled and other vulnerable groups, are met. It seeks to provide for health and social care facilities and to support improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies. Policy DM9 states that the Council supports independent living and avoid an over-provision of residential care, together with improvement of existing provision.
- 7.9 A justification statement to support the closure of the care home has been submitted. This concludes that:
- The viability of the business has been severely impacted by the pandemic including the difficulty in recruiting and retaining staff and inflation costs and low occupancy (only 40% in May 2023).
 - The building is outdated and would require significant modifications at a significant cost.
 - There is an over saturation of care homes in the City as well as some consented and some under construction.
 - The site could be better used for the delivery of homes.
- 7.10 Adult Social Care have confirmed an over provision of care homes in the City and that the Market Position Statement (July 2023) recommends decreasing supply. They also comment that this particular facility was rated as 'requiring improvement' in its most recent Care Quality Commission Inspection. Taking this into consideration, it is considered that the principle of the loss of the care home is acceptable in this instance. This conclusion is consistent with the findings for the previously refused application for this site which found that loss of the care home was acceptable.

Provision of Housing and Visitor Accommodation

- 7.11 Council policies support the provision of housing. The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the City. Similarly, the Council's Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the City. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families.
- 7.12 The HDT and 5YHLS weigh in favour of the principle of this type of development albeit in this case the proposal is for 8 units only so will have a relatively limited impact on the housing targets. Nevertheless, this surrounding area is primarily residential and new housing would not be out of character in this context.
- 7.13 In regard to the provision of visitor accommodation, Core Strategy Policy CP1 seeks to promote economic regeneration in the town including supporting the town's regional potential as a Hotel and Conference Resort. Policy CP1 also seeks to contribute to the regeneration and development of the Town Centre and Seafront and support development which contributes to the vitality and viability of Southend town centre.
- 7.14 Policy DM12 of the Development Management Document states that '*New visitor accommodation will be focused within the Southend Central Area, London Southend Airport area and at locations with good access and a clear and strong relationship with the Seafront (the 'Key Areas'). Proposals must relate well to strategic routes and the*

distributor road network, have good public transport accessibility, and meet the requirements of other relevant planning policies.'

7.15 The proposal seeks to provide 10 units of self contained serviced accommodation. The submitted planning statement describes this use in the following way:

'The proposal for Service Accommodation is similar to a hotel but the 2 key differences are as follows:

- *Serviced Accommodation is fully self-contained with kitchen and dining and clothes washing facilities, rather than a traditional hotel which would have a separate kitchen and dining room area and some provide clothes washing as extra services.*
- *Serviced accommodation units can be let out for longer periods for individuals working in the local area such as contractors, hospital and airport workers rather than a traditional hotel which is predominately for holiday makers staying around 1-3 days.'*

7.16 The site is within the Southend Central Area as defined on the Development Management Policies map. This area is specifically identified in the Policy and on the Policies Map as being suitable for visitor accommodation. The site is also close to the Seafront and the town centre including public transport. As such this is a suitable location for visitor accommodation to support the city's tourism policy objectives. The submission explains that the serviced accommodation will be booked through a regulated online booking platform website such as booking.com, vrbo or Airbnb. These websites will provide information to guests about public transport links and house rules. The number of guests within each unit will be restricted and the length of stay monitored. The management strategy submitted with the application states that the host will also provide an option for station and airport pickups via a local taxi firm and the option of borrowing communally stored cycles at the property for local travel during their stay. Guests are typically rated through the booking website by the host and this helps to prevent any antisocial behaviour. The management strategy for the proposed serviced apartments can be secured via condition.

7.17 In addition, in order to ensure that these units are not used as longer-term residential accommodation and to address third party concerns about potential use as an HMO, which would need permission in any event, it is reasonable to include a condition on any approval restricting the change of use to serviced apartments only and restricting the duration of visitor stays to no more than 90 days at any one time and a total of 90 days for any guest within a calendar year. These types of conditions have been used successfully for other similar schemes.

7.18 On this basis, it is considered that the change of use from a care home to part residential, part serviced accommodation would be acceptable subject to the detailed considerations discussed below. This conclusion is consistent with the findings for the previous application reference 23/01326/FUL which was refused for other detailed and technical reasons but with no objection to the principle of that development.

Design and Impact on the Character of the Conservation Area

7.19 Section 72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

7.20 Paragraph 207 of the NPPF states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the*

substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or total loss... and paragraph 208 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

- 7.21 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.22 Paragraph 131 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.'*
- 7.23 Policy DM1 of the Development Management Document states that *"all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."*
- 7.24 Policy DM5 of the Development Management Document seeks to protect the character and significance of the City's heritage assets including listed buildings and conservation areas (called designated heritage assets) and locally listed buildings (called undesignated heritage assets). It states:
- 1. All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.*
 - 2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this. High quality redevelopment of existing buildings within conservation areas which are considered to be of poor architectural quality will be encouraged.*
 - 3. Development proposals that result in the loss of or harm to the significance of a non-designated heritage asset, such as a locally listed building or frontages of townscape merit, will normally be resisted, although a balanced judgement will be made, having regard to the scale of any harm or loss, the significance of the asset and any public benefits."*
- 7.25 The site contains 3 former dwellings, one detached and one semi-detached pair, which were constructed as a single development in 1903. In 1961 the dwellings were amalgamated including an infill linking section between the building in connection with the change of use to a guest house and later a care home. This amalgamation has detrimentally impacted on the historic grain and their contribution to the streetscene and has concealed historic detailing on the internal flank elevations. Over the years

further insensitive alterations were undertaken to the buildings including a few modern windows and the loss of a front door to the front elevation, a range of ad hoc extensions to the rear and the loss of front gardens to a fully concreted informal parking area. All these changes have caused harm to the significance of the buildings, however overall, they still retain much of their historic character and detailing. This includes original materials and detailing, distinctive tall chimneys and decorative features such as dentil courses, 'half moon' windows with prominent keystones and feature entrances. Although very different, the designs of the two buildings have many common elements and as such form an attractive and cohesive group in the streetscene and contribute positively to the conservation area although, as identified in the Clifftown Conservation Area Appraisal, there is scope for enhancement through the reversal of unsympathetic changes.

- 7.26 The proposal seeks to split the development back into separate buildings and to convert No 95 to the site's eastern side to flats and Nos 97-99 on its western side to serviced apartments. This is an amended application following the refusal of application reference 23/01326/FUL. That application was partly refused because it was found that the following alterations and extensions caused less than substantial but nevertheless significant harm to the character and significance of the historic buildings and wider Clifftown Conservation Area:

Loss of Original Features

- The loss of the existing original timber windows with leaded glass to the front elevations of all buildings including the loss / alteration of some existing window forms constituted a loss of historic fabric and character.
- The loss of the east side feature chimney of No 95 materially impacted on the roofscape.
- The infilling of the original front recessed entrance feature to No 95 resulted in a loss of a key historic feature.

Inappropriate Alterations

- The alterations to the existing roof of No 95 Alexandra Road including the proposed east side dormer resulted in the loss of the existing chimney and a bulkier roof form.
- The alterations to the front dormer of No 95 and the additions to the rear roofscape detrimentally impacted on the character of original features.
- The scale, form and detailed design of the proposed rear extension to No 95 Alexandra Road and the proposed alterations to the rear of Nos 97-99 were found to be poor design causing significant harm to the character and significance of the existing building, the setting of the adjacent locally listed building and the character and appearance of the wider Clifftown Conservation Area.

- 7.27 In order to address this reason for refusal a number of changes have been made to the proposal. Firstly, the existing historic leaded timber sash windows and doors to the front are now proposed to be retained and refurbished. Where they have been lost – in the dormer of No 95 and gable of No 99 - matching replacement timber windows will be reinstated. The amended proposal also retains the recessed entrance and feature columns at No 95 which historic records show to be an original feature and the tall chimney on the eastern elevation of No 95. This satisfactorily addresses the previous concerns in relation to the loss of those original features.

- 7.28 In terms of the inappropriate alterations, the proposed dormer to the east of No 95 which conflicted with the chimney has been swapped for a rooflight, the front dormer is being restored and the design of the extensions to the rear of the buildings have

been rationalised so that they are better resolved in their form and detailing. In addition, improvements are made to detailing on the side elevation of No 95 including omitting the new doors closest to the frontage which conflicted with the character of the building and a change in the detailing of other new doors from sliding to French doors to better respect the historic character of the building. Some existing side windows to No 99, which can be seen from the street, are also now proposed to be retained. All these changes are positive for the proposal.

7.29 Some aspects of the original proposal, which were not objected to in the decision for the 2023 application, have also been carried forward in this application. This includes:

- Removal of the modern linking extension between No 95 and Nos 97-99. This causes significant harm to the character of the historic buildings and reinstatement of the original arrangement including decorative eave detailing and west side dormer to No 95 is therefore positive for the conservation area and to be welcomed.
- Reinstatement of the front door to No 99 to match to No 97 where it has been converted to a window is also a positive alteration.
- Replacement of the first floor front modern balcony balustrade to No 97-99 with a painted timber arrangement is also welcomed.

7.30 All these aspects of the proposal will enhance the historic buildings and remain acceptable subject to the agreement of details which can be secured by condition. In this case, significant weight should be given to the benefit of the removing the modern infill section between the two buildings. This poor quality addition has fundamentally and detrimentally changed the scale and massing of the buildings in the streetscene, impacted the historic grain of the conservation area and caused demonstrable harm to the design of the frontages by joining two contrasting historic styles into a single elevation. This has caused significant harm to the historic character of the buildings the streetscene and that of the wider conservation area. The removal of this and reinstatement of the flank walls will restore the buildings back to their original detached form and separate characters which will enhance the conservation area. Opportunities for such positive change can be rare.

7.31 The proposal also includes changes to the forecourt area including the replacement of the concrete frontage with more attractive and contextually appropriate permeable block paving and the provision of areas of soft landscaping and the relocation of the refuse bins to a more discreet location between the buildings. These changes are also strong positives for the public face of the site and to be welcomed subject to the agreement of details which can be secured by condition.

7.32 Overall therefore, it is considered that, subject to the agreement of materials, details and landscaping, the amended proposal has both satisfactorily addressed the previous reason for refusal in relation to design and impact on heritage assets and contains material elements that would enhance the setting and appearance of the conservation area. The proposal is now acceptable and policy compliant in this regard.

Amenity Impacts

7.33 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.

East Boundary with Jeffreys Court 91-93 Alexandra Road

- 7.34 Jeffreys Court to the east of the site has 6 large windows facing the site of which are obscure glazed with relatively small opening side casements. The main outlook for the flats at Jeffreys Court is to the front and rear of the building. The flats have no amenity space, there is a parking area only to the rear. This building is 2.9m from the shared boundary and 3.9m from the flank of the existing building.
- 7.35 The previous proposal, reference 23/01326/FUL, was refused partly because it was found that the scale, massing, form, siting and detailed design of the proposed rear extension to No 95 Alexandra Road would result in an overbearing relationship, harm to outlook and privacy and an undue sense of enclosure for the flats at Jeffreys Court, 91-93 Alexandra Road. In particular it was the impact of the design and form of the rear extension which included an angled first floor bay window and large angled dormer on the side elevation facing Jeffreys Court at a minimum separation distance of 3.6m from the boundary which caused harm to the amenity of this neighbouring building. In order to address this the proposed extension has been reconfigured to reduce its ground floor footprint and to remove the bay and side dormer to the east side facing the neighbour replacing them with a flat window and rooflight only. The minimum separation distance to the boundary has increased from 3.6m to 4.2m. The proposed extension would not breach a notional 45 degree guideline taken from the centre of the rear window at Jeffreys Court. It is considered that, taken as a whole, the changes to the design and forms of the rear extension has satisfactorily addressed the amenity based reason for refusal. To provide further separation a line of trees is also proposed along this boundary which will provide further screening to this neighbour. Details of these can be secured by condition.
- 7.36 In relation to the remainder of the proposal there are no new first floor windows in the existing building facing Jeffreys Court. Those which are existing and which are to be retained served bedrooms within the nursing home so would not result in a material change in outlook in the proposal for an alternative residential use. A first floor balcony is proposed at the southeast corner of the main building, 2.3m from the shared boundary. This would have a privacy screen to its east side to prevent overlooking of the neighbouring site. This was found to be acceptable in the previously refused proposal and remains as such in the current application subject to a condition to agree the details of the privacy screens and securing their installation.
- 7.37 Overall the proposal is therefore considered to have an acceptable impact on the amenities of Jeffreys Court to the east and has overcome the previous reason for refusal in this respect.

West Boundary with Former Synagogue, Alexandra Road

- 7.38 The former synagogue to the west of the site is now used as a day nursery. It is a deep building which extends significantly past the rear building line of the proposed development. Its many windows to the east side facing the site are obscure glazed stained glass. The building has a covered outside play area to the rear between the nursery and the boundary to the application site.
- 7.39 The existing building and that neighbour are each 1m from the shared boundary. The separation distance between this neighbour and the rear projection is 3.4m. There are no new windows proposed facing this neighbour. There are two existing balconies to the rear of the building in this location which have no privacy screens. Two similarly sized balconies will be retained in this location. These will have side privacy screens added. Two new balconies at first floor are proposed, one on the western side of the

building and one on the eastern side and both are shown to have privacy screens on their open sides. The proposed extension to the rear has not increased in depth adjacent to this neighbour. The privacy of the neighbouring building is therefore protected.

7.40 The boundary with the neighbour is not straight on this side. The area belonging to the neighbour steps into the application site some 5.7m past the rear building line of the proposed development. The nursery play area is located in this area and is fully covered with a solid canopy. This prevents overlooking into this area from the existing and proposed rear balconies. The ground floor windows are raised up from ground level and have limited restricted views between the 1.8m fence and canopy in this location and this is significantly restricted by the extent of canopy. This outlook will remain unchanged in the proposed development.

7.41 It is therefore considered that the proposed serviced accommodation block would have an acceptable impact on the amenity of the nearest neighbours in all relevant regards. This conclusion is consistent with that for the previously refused application reference 23/01326/FUL, which, aside from some amended detailing to the rear, had a similar scale and form to the current proposal on the west side of the site and found to have an acceptable impact on this neighbour.

South Boundary 25 and 26 Clifftown Parade

7.42 The properties to the south in Clifftown Parade have habitable rooms facing north towards the site which are some 10m from the boundary of the site. No 25 has a rear garden and No 26 has a parking area and garages to the rear.

7.43 The proposed extension to No 95 Alexandra Road has been reconfigured and maintains a separation distance of 10.2m from the first floor Juliette balconies to the south boundary with the properties in Clifftown Parade increasing to 11.5m between the second floor terrace to the south boundary. The closest balcony at No 97-99 is 16m from this boundary.

7.44 These distances are considered to be sufficiently far away from this boundary for the proposal not to harm the amenities of properties in Clifftown Parade in any regard. This conclusion is consistent with that for the previously refused application reference 23/01326/FUL.

Potential for Noise and Disturbance from Change of Use

7.45 The potential noise and disturbance generated from the proposed change to serviced apartments with a frequent turnover of occupants is considered to be materially different from the existing situation. It is considered that a management statement detailing how the proposed use will be managed would address any concerns in this regard. That, including any required noise mitigation measures can be secured with a planning condition. There are no concerns with the change of use to residential flats. The proposal is therefore acceptable and policy compliant in this regard. This conclusion is consistent with that for the previously refused application reference 23/01326/FUL.

7.46 Overall, it is considered that the amendments to the configuration and design of the rear extension to No 95 have satisfactorily overcome the previous reason for refusal in relation to the impact on neighbour amenity and, subject to the described conditions, the amended proposal is acceptable and policy compliant in terms of its amenity impacts in all relevant regards.

Standard of Accommodation

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

7.48 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 and the proposed flat and bedroom sizes are shown on the following tables. In addition to these overall area standards master bedrooms must be a minimum of 11.5 sqm with a minimum width of 2.75m, other double bedrooms must be at least 11.5sqm and 2.55m wide and single bedrooms must have a minimum area of 7.5m and be at least 2.15m wide.

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
1b	2p	50	58		1.5
2b	3p	61	70		2.0
2b	4p	70	79		2.0
3b	4p	74	84	90	2.5

No 95	NIA	Bed 1	Bed 2	Store	External Amenity
Flat 95.1 2 bed 3 person	61.7 sqm	13.8 sqm Width 3.3m	8.2 sqm Width 2.5m	2.75 sqm	44.3sqm
Flat 95.2 1 bed 2 person	50.3 sqm	15.4 sqm Width 3.2m	N/A	1.6 sqm	36.4 sqm
Flat 95.3 2 bed 3 person	62.3 sqm	13.4 sqm Width 3.8m	8.1sqm Width 2.5m	3.5 sqm	43 sqm
Flat 95.4 2 bed 3 person	63.8 sqm	12.3 sqm Width 3.3m	10.7sqm Width 2.5m	4.5 sqm	2 x Juliette
Flat 95.5 2 bed 3 person	61.2 sqm 54 sqm	12.4 sqm Width 3.0m	8.8 sqm Width 2.4m	3 sqm	4 sqm
Flat 95.6 1 bed 2 person	54.6 sqm	18.5 sqm Width 3.6m	N/A	2.4sqm	4.5 sqm
Flat 95.7	64 sqm	17.2 sqm	7.9sqm	3.7 sqm	6.7 sqm

2 bed 3 person		Width 3.1m	Width 2.7m		
Flat 95.8 1 bed 2 person	53.6sqm	12.4 sqm Width 2.9m	N/A	4.1 sqm	6 sqm

7.49 All 8 dwellings within the eastern building meet or exceed the required standards and are acceptable and policy compliant in terms of overall flat size and bedroom and storage provision.

7.50 The serviced accommodation units are not subject to the same space standards but given that these could be used for up to 90 days at a time by people working in the area for example, their comparable size to that required for a flat is given below for information purposes only. As proposed the serviced accommodation units meet the technical standards and, as these units will be furnished including wardrobes, the storage is considered acceptable.

No 97-99	NIA	Bed 1	Bed 2	Bed 3	External Amenity
Suite 1 2 bed 3 person	77.8 sqm	18.8 sqm Width 4.3m	11.3 sqm Width 2.9m		34 sqm
Suite 2 3 bed 4 person	94 sqm	18.4 sqm Width 4.3m	9.9 sqm Width 2.8m	9.6 sqm Width 2.8m	33 sqm
Suite 3 1 bed 1 person Studio	38.7 sqm	N/A	N/A	N/A	5.4 sqm
Suite 4 1 bed 1 person Studio	37.5 sqm	N/A	N/A	N/A	5.4 sqm
Suite 5 1 bed 1 person studio	37.8 sqm	N/A	N/A	N/A	6 sqm
Suite 6 1 bed 1 person	40.6 sqm	N/A	N/A	N/A	6.6 sqm
Suite 7 1 bed 1 person studio	39 sqm	N/A	N/A	N/A	Juliette
Suite 8 1 bed 1 person studio	38.7 sqm	N/A	N/A	N/A	Juliette
Suite 9 1 bed 1 person studio	38 sqm	N/A	N/A	N/A	None

Suite 10 1 bed 1 person studio	37.2 sqm	N/A	N/A	N/A	None
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7.51 The proposal is acceptable and policy compliant in this regard.

Light and Outlook

7.52 All habitable rooms for new dwellings must have good outlook and light. The majority of the proposed habitable rooms have good light and outlook. Given the depth of the existing buildings there are a few instances, particularly at ground level where bedrooms have their sole or main outlook to the side onto the boundary fences. In most instances these are relatively generous with space for landscaping to soften the outlook. This is an acceptable arrangement. No 99 has one bedroom which overlooks the boundary to the west which is relatively close, 1.1m away, however, this is the 3rd bedroom to the largest serviced accommodation unit and will not be used for long-term living so this can be accepted in the particular circumstances of this case given the constraints of the existing building and will be subject of the wider condition restricting the maximum length of stay of all the serviced units to 90 days to prevent prolonged stay. This conclusion is consistent with that for the previously refused application in which the window environment for a main habitable bedroom (i.e. not a serviced unit) in this same position was found to be acceptable.

Privacy and Overlooking within the Development

7.53 Plot 95.5 has a first floor bedroom window to the side facing west into the gap between the two buildings. This window faces onto the privacy screen of the terrace to suite 6 which is 3.1m away. This screen will mitigate loss of privacy for both units. Plot 95.8 has a dormer window for the main lounge area facing west into the same gap. This would look onto the blank flank wall of the other building some 3m away. These relationships will not give rise to a loss of privacy for either building's units and are acceptable.

7.54 A number of new balconies are proposed within the development. In some instances, where they are located in the centre of the site or have side outlooks, privacy screens are proposed to prevent inter looking between the units and this arrangement is acceptable.

Noise and Disturbance

7.55 The change in use from a 30-bed care home to 8 flats and 10 serviced apartments is not considered to give rise to materially increased levels of noise and disturbance and the proposal is acceptable and policy compliant in this regard. The adjacent nursery has a covered outdoor play area to the rear of the serviced apartments, however, this is relatively small scale and will only be in use when the nursery is open. This will not cause undue noise and disturbance to the development.

Building Regulations M4(2) and M4(3) – Accessibility

7.56 Policy DM8 requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards. In this case the proposal is for the conversion of existing buildings so this requirement does not apply.

Amenity Provision

- 7.57 All the proposed dwellings have their own terrace of at least 4sqm except unit 95.4 which has two Juliette balconies to the rear off the main living space. The flats also have access to a rear communal garden of some 110sqm. Six of the ten proposed serviced apartments have individual balconies, two have Juliettes and all have access to a shared garden of some 127 sqm.
- 7.58 Overall, the proposal would provide an acceptable standard of accommodation for future occupiers both of the flats and the serviced units and is acceptable and policy compliant in this regard subject to conditions relating to the installation of privacy screens where appropriate. This conclusion is consistent with that for the previously refused application which did not find any concerns in this regard.

Traffic and Transportation and Trees

- 7.59 Paragraph 115 of the NPPF states 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.”*
- 7.60 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.
- 7.61 The existing care home provided parking on the frontage for staff and visitors and 6 spaces are shown on the existing site plan. Policy DM15 of the Development Management Document states the parking standard for care homes in the central area is 1 space per resident staff + 1 space per 3 bed spaces. The facility had 30 bedrooms (34 bedspaces). The submitted application form gives the number of existing employees lost as a result of its closure as 4 but the supporting documentation confirms that in August of 2023 there were only 8 residents. It is likely that more staff would be needed to operate at full capacity. Based on the submitted employment figures, a policy compliant parking provision would be a maximum of 15 spaces although if the care home was at full capacity with more staff this would likely be significantly higher.
- 7.62 6 off street parking spaces are proposed on the frontage; 4 allocated to the 8 flats and 2 to the 10 serviced apartments. The site is located within the Clifftown Controlled Parking Zone which is restricted to permit holders only between 11am and 9pm on any day but it is within comfortable walking distance of the bus station, bus routes, Southend Central and Victoria Rail Stations and local amenities in the Town Centre and the Seafront. Public car parks and pay and display bays within easy access of the site can be summarised as follows:

Car Park	Capacity	Walking Time to Site
Prittlewell Square public pay and display spaces	41	3 mins
Alexandra Road public pay and display spaces	13	3 mins
Pay and display spaces around Bowling Green	21	4 mins
Central Station NCP	160	8 mins

Scratton Road		
Clarence Street Car Park	119	8 mins
Alexandra Street Car Park	57	9 mins
Tylers Avenue /York Road	338	14 mins
The Royals	426	12 mins
Total	1,175	

- 7.63 The Travel Statement submitted in support of the application states that, in order to encourage the use of public transport for the serviced apartments, the management will offer to arrange pick ups and drop offs for guests to train stations, airports or other locations via the use of a local taxi service. This will be promoted online at the time of booking and general local public transport and public car park information will be provided on the booking site and within the building. This can be secured by condition.
- 7.64 This is the same number of parking spaces and allocation as proposed under the previous application 23/01326/FUL. That application was refused because it failed to robustly demonstrate that the proposed parking layout was viable and could reasonably accommodate 6 useable car parking spaces for the proposed development and that any vehicles using the parking spaces would have safe and satisfactory access arrangements to and from the highway without prejudicing highway safety. In addition, the proposed amendments to the existing vehicular accesses would have resulted in loss of an on street parking space within the controlled parking zone at the front of the site which was found to be unacceptable. The previous application was not refused in respect of the number of car parking spaces proposed for the development as a whole given the sustainable location of the site.
- 7.65 In order to address the reason for refusal the layout of the 6 parking spaces has been amended so they are more accessible and to enable the current crossovers to be used thereby addressing the previous concern with the loss of an on-street parking space in the Controlled Parking Zone. The Council's Highways Officer has confirmed that this arrangement is acceptable. The amended proposal also enables more soft landscaping to be incorporated into the design which will be positive for the site, the streetscene and wider conservation area. 6 is the maximum number of spaces which can be provided on the frontage without causing them to be blocked in or requiring a full width crossover which would cause harm to the character of the building and nearby mature trees. This level of parking provision was previously found acceptable for the same number of units in this location given the proximity to the town centre amenities, public transport links, the provision of cycle storage at the site and due regard for the parking generated by the former care home use. This aspect of the proposal therefore remains acceptable.
- 7.66 Third party concerns have been raised that the parking provision will result in an additional demand for permits for the controlled parking zone in this area. The Council's Highways Officer has confirmed that neither the occupiers of the proposed flats nor those of the serviced apartments would be eligible for permits.. An informative reminds the applicant of this restriction.
- 7.67 The amended proposal is therefore considered to have satisfactorily addressed the previous reason for refusal in relation to parking and highway safety and is acceptable and policy compliant in this regard.

Refuse and Recycling Provision

- 7.68 Separate refuse and recycling stores for each block have been included within the development. The flats have an external store located between the buildings. This is

acceptable in principle subject to the agreement of design details which can be required by condition. The serviced apartments have a store integral to the building. Both locations are convenient and an improvement on the existing situation of euro bins on the forecourt which is a benefit to the appearance of the site and Conservation Area to be weighed in the overall assessment. The application is acceptable and policy compliant in this regard.

Cycle Storage

- 7.69 It is proposed to repurpose the existing outbuilding as cycle storage. This building will be subdivided to provide separate stores for each use. The building is large enough to provide for 1 cycle space per unit. The agent has confirmed that 5 cycles will be provided for visitors of the serviced accommodation to use during their stay free of charge. This arrangement is considered to be acceptable and the proposal is policy compliant in this regard.

Electric Vehicle Charging (EV)

- 7.70 The Electric Vehicle Charging Supplementary Planning Document requires all parking spaces to serve new dwellings to have electric vehicle charging as part of the development. New non-residential development including serviced or visitor accommodation is required to provide 30% active and 60% passive electric vehicle charging. No details of any EV charging have been included with the application however, details of EV charging, which will be required to be compatible with the appearance of the conservation area, can be required by condition.

Construction Management Plan

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

Impact of Forecourt Parking Proposals on Street Trees

- 7.72 The Council seeks to protect trees which make a positive contribution to the townscape of the conservation area. The importance of trees to conservation areas is recognised under national legislation. The two large London plane street trees to the front of the site are an important landscape feature for the conservation area. The existing crossovers and forecourt parking area are significantly within the root protection areas (RPAs) of these trees, but this arrangement is longstanding and the trees have adapted to these constraints.
- 7.73 The previous 2023 application was refused because the proposal failed to demonstrate that the amended vehicular accesses, the repaving of the forecourt area and the amendments to the boundary wall would not cause significant harm to the roots of these two mature London Plane street trees. To address this an arboricultural report, method statement and tree protection plan have been submitted with the application. It recommends that the existing concrete frontage is retained throughout the build to protect the trees during construction and that it is only replaced in the final phase of the development. This would be achieved by removing the concrete by hand so as not to damage the roots and ensuring that the new surfacing and base do not go any deeper than the existing surfacing to be removed. It notes that some localised excavation may be needed to ensure a smooth transition to the pavement. It also confirms that the new paving will be porous. The trunks of both trees will be protected during development. All works will be carried out under the supervision of a qualified

arboriculturist.

- 7.74 The Council's Tree Officer has confirmed that this is acceptable and this revised proposal has satisfactorily addressed the previous reason for refusal. The amended proposal is therefore acceptable and policy compliant in regards to impact on the street trees.
- 7.75 The submission also confirms that tree protection measures will be installed for 4 further trees at the rear of the site which are being retained. These trees provide softening and extra screening for the development and their retention is welcomed.
- 7.76 Subject to controlling the above measures through planning conditions the proposal is acceptable and policy compliant in regard to impact on trees in the conservation area.
- 7.77 Overall, the proposal has satisfactorily overcome the previous reasons for refusal in relation to highways and parking and impact on existing trees and is considered to be acceptable in regards to highways, parking and trees in all relevant regards.

Sustainability

- 7.78 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.
- 7.79 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement in a way which does not cause harm to the character of the conservation area. The requirement for renewable energy and water efficiency can be controlled with conditions. This aspect of the proposal is therefore considered to be acceptable and policy compliant in these regards, subject these conditions.

Sustainable Drainage

- 7.80 Local and national policies seek to ensure that development is safe from flooding and does not increase the risk of flooding elsewhere. The proposal includes a sizable extension to the rear and a change of the surfacing to the forecourt parking area. Anglian Water have confirmed that foul water can connect directly to existing networks and an informative is included to this effect. The LLFA have advised that surface water drainage details are required for the proposed extension and details of this can be secured by condition. The tree report confirms that the new paving on the frontage will be permeable which is beneficial for sustainable drainage and the existing street trees. The proposal is acceptable and policy compliant subject to this condition.

Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS)

- 7.81 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential

development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 7.82 The previous 2023 application was refused because this tariff was not paid and the proposal provided no mitigation for the impact on designated sites. This tariff has been paid for the current application for the flatted block. There is no policy requirement for this to be paid for visitor accommodation. The proposal has therefore satisfactorily addressed that reason for refusal and is acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.83 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 1101 sqm, which may equate to a CIL charge of approximately £31,432.50 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity Issues

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

Planning Balance and Housing Supply

- 7.85 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 residential use, and the conversion of No 95 Alexandra Road to 8 flats should be given increased weight in a balancing exercise.

Conclusion

7.86 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 change from a care home use to residential flats plus serviced apartments is acceptable with the sizes, layouts and external amenity space providing satisfactory standards of accommodation. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and street scene. Moreover the associated alterations to the existing building's frontage, including removing the insensitive functional link extension introduced for the former care home use so restoring the two buildings' detached setting would significantly enhance this site's contribution to the setting of the Clifftown Conservation Area more widely. The enhancement works to the historic buildings are considered to be a public benefit of material weight in the planning balance. There would be no significant adverse traffic, parking or highways impacts. The impact on nearby street trees and ecology is acceptable.

7.87 The application has satisfactorily overcome all reasons for which the previous 2023 application was refused in relation to design and heritage impact, impact on neighbour amenity, parking and highways, impact on street trees and ecology. This application is therefore recommended for approval subject to conditions.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

02 The development hereby permitted shall be carried out solely in accordance with the following approved plans 2352-100-P3, 2352-110-P5, 2352-120-P4, 2352-130-P4, 2352-140-P3, 2352-210-P3, 2352-220-P3.

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

Materials

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 for the approved alterations and extensions within the development hereby approved, including walls, roof including ridge tiles, soffit and rainwater goods, all new windows and doors, balconies and screens, roof and roof terraces, parapet coping and brise soleil, bin and cycle store doors, entrance gates, and boundaries have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall be carried out in accordance with the approved details before it is brought into first use or first occupied.

Reason: To safeguard the visual amenities of the area including the character and appearance of the Clifftown Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4,

Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and the Clifftown Conservation Area Appraisal (2021).

Detailing of Key Features

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition above ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the replacement front balustrade to No 97-99 Alexandra Road, the reinstatement of traditional windows at second floor level at Nos 95 and 99 and all new front doors 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 under the terms of this condition. The development shall be carried out in full accordance with such approved details before it is brought into first use or first occupied. The inner facing flank elevations of No 95 Alexandra Road (west elevation) and No 97 Alexandra Road (east elevation) shall be reinstated to match the detailing and materials on the front elevations including matching materials, the dormer to No 95 and decorative eaves detailing as shown on plan reference 2353-220-P1.**

Reason: To safeguard the visual amenities of the area including the character and appearance of the Clifftown Conservation Area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and the Clifftown Conservation Area Appraisal (2021).

Landscaping

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

- i. Means of enclosure, of the site including any alterations to gates, walls or boundary fencing;**
- ii. All hard surfacing materials;**
- iii. Full details of the number, size and location of the trees, shrubs and plants to be retained and planted, including new trees on the eastern boundary, together with a planting specification and tree management plan.**
- iv. Details of measures to enhance biodiversity within the site.**
- v. Details of the exact position and design of electric vehicle charging equipment on the site's forecourt area.**

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 under the terms of this condition.

Reason: In the interests of visual amenity of the area and the Clifftown Conservation Area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM5 of the Development Management Document (2015), Policy CP4 of the Core Strategy (2007) and the advice in the Southend-on-Sea Design and Townscape Guide (2009), National Design Guide (2021) and the Clifftown Conservation Area Appraisal (2021).

Tree Protection Measures

- 06** The tree and tree root protection measures as set out in the Arboricultural Method Statement by Moore Partners Ltd dated 22.01.24 and associated Tree Protection Plan reference RD/ALXR/01 in relation to the trees identified as T1-T7 in that statement including the mitigation measures in relation to construction of the replacement hardstanding and any boundary alterations within the root protection areas of the trees denoted as T6 and T7 shall be implemented in full prior to commencement of the development hereby approved and shall be retained throughout the construction phase of the development. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturist.

Reason: A pre commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and the character and appearance of the Clifftown Conservation Area and in accordance with Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM5 and advice within the Southend Design and Townscape Guide (2009) and the Clifftown Conservation Area Appraisal (2021).

Car Parking and EV Charging Provision

- 07** The 6 car parking spaces and the associated vehicular access for those spaces to access the public highway, shown on approved plan 2353-110-P5 shall be provided and made available for use at the site prior to the first occupation or first use of the development 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 development hereby approved and their visitors. All parking spaces for the flats and at least one of the spaces for the serviced accommodation shall have access to active electric vehicle charging.

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 (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM15, Southend-on-Sea Electric Vehicle Charging Supplementary Planning Guidance (2021) and advice in the Southend Design and Townscape Guide (2009) .

Refuse and Recycling Storage

- 08** Notwithstanding the plans submitted and otherwise approved, the development hereby approved shall not be first occupied or brought into first use until and

unless secure, covered refuse/recycling storage for users of the development hereby approved has been provided at the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse/recycling storage shall be made available for use by the users of the development hereby approved prior to its first use or first occupation. The refuse/recycling storage shall be retained as such for the lifetime of the development thereafter.

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

Cycle Storage

- 09** The development hereby approved shall not be first used or first occupied unless and until the cycle stores to serve the development as shown on approved drawing 2353-110-P5 and cycle store document reference 01_2024.03.13. have been provided at the site and made available for use by users of the development in full accordance with the approved plans, or any other alternative cycle storage provision, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved cycle storage facilities shall be permanently retained thereafter and used only for the approved purpose. 5 cycles shall be provided for the serviced accommodation for visitors to be used free of charge as set out in the Travel Statement reference 02_2024.03.12.

Reason: To ensure that satisfactory cycle parking facilities are provided in the interests of highway safety and visual amenity and to protect the character of the surrounding area including the Clifftown Conservation Area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007), Policies DM1, DM5 and DM15 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Clifftown Conservation Area Appraisal (2021).

Privacy Screens

- 10** The development hereby approved shall not be first occupied or brought into first use unless and until all the privacy screens shown on approved plan references 2353-120-P4 and 2353-130-P4 have been installed in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The screens shall be no less than 1.7m high above the terrace level which they serve and shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

Water Efficiency

- 11** 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 (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

Renewables

- 12** A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied, where feasible, using on site renewable sources and sited in a way that does not compromise the character of the conservation area, must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation or first use 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 (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

Sustainable Drainage

- 13** No drainage infrastructure associated with the extension to No 95 Alexandra Road hereby approved shall be installed unless and until details which show how the new extension will be drained, including a scheme for on-site foul water drainage works, including its connection point and discharge rate, and how this links with the existing drainage network have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved scheme shall be implemented, in accordance with the approved details before the development is first occupied or brought into first use and shall be maintained as such thereafter for the lifetime of the development.

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 (2023), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

Serviced Accommodation Controls

- 14** The serviced accommodation at Nos 97-99 Alexandra Road hereby approved shall only be used only as a short term lets to provide visitor accommodation (Sui Generis). It shall not be used for any other purpose.

Reason: To ensure the development accords with the permission sought and to

enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor accommodation within the City, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3, and DM12 of the Development Management Document (2015).

- 15 The maximum number of consecutive nights any guest may stay at the visitor accommodation available within the development hereby approved shall be limited to 90 nights. No guest shall stay at the visitor accommodation available at the property for more than 90 nights in any single calendar year.

Reason: To ensure the development accords with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace specified so that the development maintains the provision of visitor accommodation within the City and that occupation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM8 and DM12 of the Development Management Document (2015).

- 16 The serviced accommodation hereby approved shall be managed in full accordance with the submitted Management Strategy reference 02_2024.03.13 and the submitted Travel Statement reference 02_2024.03.12 for the lifetime of the development or in accordance with any alternative such details that have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this planning condition.

Reason: To protect the amenity of occupiers in the proposed and neighbouring properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4 and Development Management Document (2015) Policies DM1 and DM3.

Construction Management Plan

- 17 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 under the terms of this condition. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors.
- ii. Loading and unloading of plant and materials.
- iii. Storage of plant and materials used in constructing the development.
- iv. The erection and maintenance of security hoarding including contact details (including out of hour contact details) that are to be displayed on the hoardings.
- v. A Noise and Dust Management Plan - measures to control the emission of noise and dust and dirt during demolition and construction.
- 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.

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 (2023), Core Strategy (2007) Policies KP2 and CP4 and Development Management

Document (2015) Policies DM1 and DM3.

Hours of Construction

- 18 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, Bank or Public Holidays.

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

Positive and Proactive Statement:

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

Informatives:

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

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

- 5 Construction outside of normal hours - If construction works are to be considered outside of normal hours especially overnight or are expected to cause a nuisance to existing receptors it is recommended that the applicant applies for a prior consent application under Section 61 of the Control of Pollution Act 1974. A consent enables the applicant to conduct the works without the worry of enforcement provided they comply with it. The applicant will have to submit details of any noisy works including type of plant and machinery to be used, proposed daily start and finish times, consultation with nearby residents and businesses and duration and time scales of the works. The applicant will need an acoustically qualified person who will be able to calculate the predicted noise levels from the operation and the impact on nearby residents and then be able to evaluate mitigation measures that can be used. If Regulatory Services become aware of any works that are highly likely to cause a nuisance they can serve a notice under section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this will represent a criminal offence. The application form and guidance is available on the Southend-On-Sea City Council website. The applicant can also contact the Regulatory Services Team at Southend-on-Sea City Council for details.**

- 6 Anglian Water Informative Used Water Network - 1: Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. 2: Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. 3: Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. 4: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water's Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.**