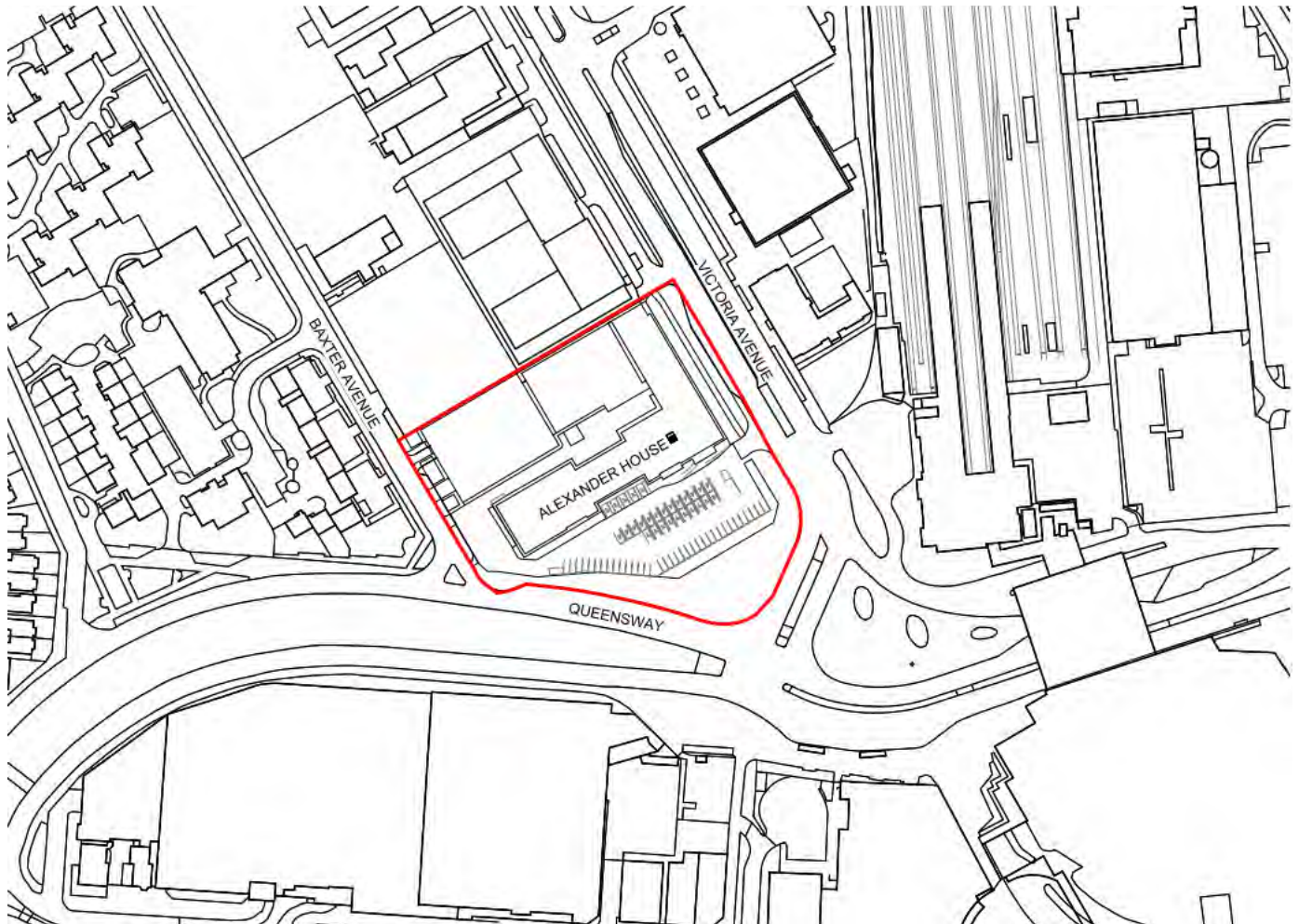


Reference:	23/01645/BC4M	
Application Type:	Full Application - Major	
Ward:	Victoria	
Proposal:	Demolish existing car park to rear, erect 11-15 storey extensions to front and rear of existing building to create new wings, erect two additional storeys to the top of the existing building and change use of office building (Use Class E) to residential (Use Class C3) to provide 557 self-contained flats, with balconies or terraces and communal amenity space across rooftop gardens, provide 875sqm of commercial floorspace (Use Classes E) at ground floor level, 299 parking spaces within a basement, ground and first floor car park accessed from Baxter Avenue with associated cycle storage, close existing vehicular access on to Victoria Avenue and reinstate footway, form loading bays, alterations to highway, public realm alterations and associated landscaping	
Address:	Alexander House, 21 Victoria Avenue, Southend-on-Sea, Essex	
Applicant:	Mr Oliver Wheeler of Savills [on behalf of Comer Homes Ltd.]	
Agent:	Mr Oliver Wheeler of Savills	
Consultation Expiry:	31.10.2024	
Expiry Date:	01.11.2024	
Case Officer:	Oliver Hart	
Plan Nos:	<p><u>General proposed plans:</u> AXH001-FAR-XX-XX-DR-A-90097 Rev A (Location); AXH001-FAR-XX-XX-DR-A-90098 Rev A (demolition plan); AXH001-FAR-XX-XX-DR-A-03104 Rev A (proposed site plan)</p> <p><u>Proposed floor plans:</u> AXH001-FAR-ZZ-B1-DR-A-05099 Rev A; AXH001-FAR-ZZ-00-DR-A-05100 Rev A; AXH001-FAR-ZZ-01-DR-A-05101 Rev A; AXH001-FAR-ZZ-02-DR-A-05102 Rev A; AXH001-FAR-ZZ-03_11-DR-A-05103 Rev B; AXH001-FAR-ZZ-12-DR-A-05112 Rev A; AXH001-FAR-ZZ-13_15-DR-A-05113 Rev A; AXH001-FAR-ZZ-16-DR-A-05116 Rev A; AXH001-FAR-ZZ-17-DR-A-05117 Rev A; AXH001-FAR-ZZ-R1-DR-A-05118</p> <p><u>Proposed sections and elevations:</u> AXH001-FAR-XX-XX-DR-A-05201; AXH001-FAR-XX-XX-DR-A-05202; AXH001-FAR-XX-XX-DR-A-05203 Rev A; AXH001-FAR-XX-XX-DR-A-05204; AXH001-FAR-XX-XX-DR-A-05300; AXH001-FAR-XX-XX-DR-A-05301 Rev A; AXH001-FAR-XX-XX-DR-A-05302; AXH001-FAR-XX-XX-DR-A-05303 Rev A; AXH001-FAR-XX-XX-DR-A-05310 Rev A</p>	

	<p><u>Proposed details:</u> AXH001-FAR-XX-XX-DR-A-09100; AXH001-FAR-XX-XX-DR-A-09101; AXH001-FAR-XX-XX-DR-A-09102; AXH001-FAR-XX-XX-DR-A-09103; AXH001-FAR-XX-XX-DR-A-09104; AXH001-FAR-XX-XX-DR-A-09105; AXH001-FAR-XX-XX-DR-A-09106; AXH001-FAR-XX-XX-DR-A-09107; AXH001-FAR-XX-XX-DR-A-09108; AXH001-FAR-XX-XX-DR-A-09109</p> <p><u>Existing Plans:</u> AXH001-FAR-XX-XX-DR-A-90099; AXH001-FAR-XX-XX-DR-A-90100; AXH001-FAR-XX-XX-DR-A-90103; AXH001-FAR-XX-XX-DR-A-90116; AXH001-FAR-XX-XX-DR-A-90200; AXH001-FAR-XX-XX-DR-A-90201; AXH001-FAR-XX-XX-DR-A-90300; AXH001-FAR-XX-XX-DR-A-90301; AXH001-FAR-XX-XX-DR-A-90302; AXH001-FAR-XX-XX-DR-A-90303; AXH001-FAR-XX-XX-DR-A-90304; AXH001-FAR-XX-XX-DR-A-90310; TS23-002-18-RevB; TS23-002-19-RevA; TS23-002-20-RevA; TS23-002-21-RevA; TS23-002-22-RevA</p> <p><u>Other Plans:</u> 2318-ExA-ZZ-GF-DR-L-00100 Rev P04 (Ground Floor General Arrangement Plan); 2318-ExA-ZZ-ZZ-DR-L-00101 Rev P02 (Roof Terraces General Arrangement Plan); SK02 Rev C (Swept Path Analysis); 2149-KC-XX-YTREE-TCP01RevB (Tree Constraints Plan); 2149-KC-XX-YTREE-TPP01RevA (Tree Protection Plan);</p> <p><u>Daylight and sunlight:</u> AH-01-07; AH-01-08; AH-01-09; AH-01-10; AH-01-11; AH-01-12; AH-01-13; AH-01-14; AH-01-15</p>
<p>Supporting Documents:</p>	<p>Design & Access Statement by Farrells; REVISED D&AS Statement Sections 9.1 & 9.2 ‘Ground Floor Cycle Access Plans’ Rev A; REVISED D&AS Statement Sections 10.1 ‘Potential Car Club & Visitor Space Mark-up’; D&AS Collated Imagery Document; Drawing Issue Register by Farrells [07 October 2024];</p> <p>Town Planning Statement (including Health Impact Assessment and Draft S106 Heads of Terms) by Savills [October 2023];</p> <p>Air Quality Assessment by Air Quality Assessments Ltd. Ref. J0774/1/F2 [30 November 2023];</p> <p>Wind Microclimate Assessment Report Ref 19733 by gia Chartered Surveyors [21 August 2023];</p> <p>Daylight/Sunlight Report [Neighbours] by Daylight Sunlight Consulting Ltd. [7 August 2023]; Internal Daylight/Sunlight Report by Daylight Sunlight Consulting Ltd. [7 August 2023]; Daylight/Sunlight Report – Addendum by Daylight Sunlight Consulting Ltd. [14 June 2024]; Supporting email by Savills [received 02 October 2024];</p> <p>Ecological Appraisal ref 552327JB31MAR23FV01_EA by Greengage [August 2023];</p> <p>Energy and Sustainability Strategy Iss03 by MKP Consultants Ltd. [27 September 2023];</p> <p>Environmental Noise Survey and Noise Impact Assessment Report Ref.QA2319/ENS 2 by Quantum Acoustics [12 September 2023];</p>

	<p>Technical Note by Quantum Acoustics Re. External Amenity Noise and Disturbance in response to Environmental Health Consultation Comments Ref. QA23192 [13 February 2024];</p> <p>Fire Safety Statement by Fire Risk Solutions ref 8594 R3 [20 February 2024]; Response to HSE comments by B-Firesafe [20 February 2024];</p> <p>Flood Risk Assessment and Drainage Strategy ref. WIE19962-100-R-1-2-1 by Waterman Infrastructure [September 2023];</p> <p>Heritage Statement ref PN3839HS1F by Orion [August 2023];</p> <p>Landscape Strategy 2318-ExA-ZZ-ZZ-RP-00900 Rev P02 by Exterior Architecture [August 2023];</p> <p>Phase 1 Preliminary Risk (Land Contamination) Assessment Ref. GSI 1935 LD PI Report V3 by Geocon Site Investigations Ltd. [August 2023];</p> <p>Townscape and Visual Impact Assessment by the Townscape Consultancy [August 2023]; Zone of Theoretical Visibility (ZTV) Rev 1 by the Townscape Consultancy [September 2023];</p> <p>Viability Assessment by Douglas Birt Consulting [June 2023]; Letter on Viability Assessment by Douglas Birt Consulting [November 2023];</p> <p>Operational Waste and Recycling Management Strategy V3 by KaNect Ltd. [August 2023];</p> <p>Overheating Assessment Rev P01 Ref. AXH001-MKP-ZZ-ZZ-RP-M-01001 by MKP Consultants Ltd. [September 2023];</p> <p>Statement of Community Involvement by Fairthorn Consultancy;</p> <p>Transport Assessment ref 22216 Rev 4 by YES Engineering Group Ltd. [September 2024]; Car Club proposal in partnership with Enterprise Rent-a-Car [July 2023]; Car Parking and Delivery and Servicing Plan by YES Engineering Group Ltd. [September 2023]; Residential Travel Plan by YES Engineering Group Ltd. [September 2024]; Commercial Travel Plan by YES Engineering Group Ltd. [September 2024]; Travel Information Pack – Commercial [September 2024]; Travel Information Pack – Residential [September 2024];</p> <p>Tree Survey and Impact Assessment Rev A Ref. 2149-KC-YTREE by Keen Consultants [August 2023]; Arboricultural Method Statement Rev A by Keen Consultants Ltd. [August 2023];</p> <p><u>Area schedules:</u> AXH001-FAR-ZZ-XX-SH-A-03500; AXH001-FAR-ZZ-XX-SH-A-03501; AXH001-FAR-ZZ-XX-SH-A-03502; AXH001-FAR-ZZ-XX-SH-A-03503; AXH001-FAR-ZZ-XX-SH-A-03504</p>
<p>Recommendation:</p>	<p>DELEGATE to the Executive Director (Environment and Place), Director of Planning and Economy or Service Manager - Development</p>

Management and Enforcement to **GRANT PLANNING PERMISSION** subject to **CONDITIONS** following the completion of a **LEGAL AGREEMENT** under section 106 of the Town and Country Planning Act 1990 (as amended) as set out in the main report provided any additional representations received up to the end of 31.10.2024 do not raise any new material considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.



1 Site and Surroundings

- 1.1 The application site is occupied by Alexander House, a 16-storey office building of some 21,895sqm floor space with a rear two-storey projection running parallel to Victoria Avenue. There is a single-storey section to the rear and a three-storey car park accessed via Baxter Avenue to the west. There is an extant prior approval (ref. 21/01457/PA3COU) for the conversion of the existing building into 334 self-contained flats. The site includes land within the ownership and control of the Council. The Council land within the site is mainly part of the pedestrian footpaths around the site. It also includes the taxi rank and the cycle lane on Victoria Avenue (beginning/end of Local Cycle Network 53 – part of National Cycle Network 135) and the land used to facilitate the vehicular accesses to the site from Victoria Avenue and Baxter Avenue. The area between the south-western corner of the site and the south-eastern end of

the cycle lane on Victoria Avenue is a surface shared by pedestrians and cyclists.

- 1.2 The application site is at a prominent location, at the junction of three roads, with Victoria Avenue to the east and south-east, Queensway to the south and south-west and Baxter Avenue to the west. To the immediate north of the site is a development of 217 self-contained flats and flexible commercial floorspace at ground floor, comprising of a number of buildings up to fifteen (15) storeys in height (application ref: 18/02151/FULM). To the north-west of the site is a car park. Progressing northwards, the character on Victoria Avenue remains for tall buildings in excess of eight (8) storeys in height, many of which have been converted from office space to residential accommodation.
- 1.3 On the opposite side of Victoria Avenue are the Southend Victoria Train Station, the Southend Central Museum and Planetarium, which is Grade II Listed, and the Beecroft Gallery, with public parking areas and civic buildings farther north. The street width and mature street trees balance the scale of the buildings in this section of Victoria Avenue. The overall character is boulevard-like serving as a gateway to the city centre.
- 1.4 The site is close to the High Street. The Odeon cinema building and the Chartwell Plaza building, which includes the Victoria Plaza Shopping Centre, are to the south-east of the application site. Farther south-east is the Queensway regeneration area. Other major commercial buildings are to the south, on the opposite side of Queensway. Queensway in this area also has a boulevard character with significant width and mature trees in the middle.
- 1.5 To the west of the site are Alexandra Court and Catherine Lodge, which are between three (3) and four (4) storeys high. To the west of Alexandra Court is Elizabeth Tower with twelve (12) storeys.
- 1.6 The site is close to public transport infrastructure hubs. Southend Victoria train station and the Victoria Station Bus Interchange are opposite the site. Southend Central train station is also within walking distance from the application site.
- 1.7 The site has no local or statutory listed buildings within its boundary. Other than the Grade II Listed Southend Central Museum & Planetarium building, no heritage assets are within the immediate vicinity of the site.
- 1.8 The site falls within Flood Zone 1, where there is a low risk of flooding and the Southend Central Area. It is within the Victoria Gateway Neighbourhood as identified within the Southend Central Area Action Plan (SCAAP). The southern section of Victoria Avenue is allocated as Opportunity Site PA8.1 and is identified as an area in need of regeneration. No other site-specific policy designations affect the site.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing buildings and structures to the rear of the main building, enlarge the existing building to the front and rear, erect two additional storeys to the top of the enlarged building and erect twelve- (12) to sixteen- (16) storey extensions to the front and rear to create new wings.

- 2.2 The proposal would increase the overall built form from sixteen (16) to eighteen (18) storeys. The current height of the main building is some 51.5m, rising to some 56.1m at the top of the existing decorative horizontal pillars, with the maximum height being some 58.7m (+87.4m AOD - Above Ordnance Datum) at the top of the higher mast on the roof of the existing building. It is proposed to increase the height of the built form to a maximum of 58.4m (+87.15 AOD) at the top of the proposed plant on the tallest roof of the proposed building. The enlarged existing building would comprise, what has been called by the applicant, the City West and City East wings. The new wings include the Pavilion East to the front and Pavilion West and Street East to the rear. Each wing would have its own staircase and lift core.
- 2.3 The proposal includes the change the use of the building from office (Use Class E) to residential (Use Class C3) to provide 557 homes in the form of self-contained flats. Table 1 below provides the proposed unit mix.

Table 1: Residential Mix

Type	Number	Percentage of group (%)	Percentage of total (%)
1 Bedroom	334	100.0	60.0
1 bedspace	20	6.0	3.6
2 bedspaces	314	94.0	56.4
2 Bedroom	185	100.0	33.2
3 bedspaces	10	5.4	1.8
4 bedspaces	175	94.6	31.4
3 Bedroom	38	100.0	6.8
5 bedspaces	4	10.5	0.7
6 bedspaces	34	89.5	6.1
Total	557	100.0	100.0

- 2.4 Private amenity terraces are provided to the majority of dwellings, with the exception of twenty (20no.) 1-bed, 1-person studio units and five (5no.) 1-bed, 2-person units at first floor level. All units are proposed to have access to some 2,282 sqm of communal amenity space in the form of roof terraces and podium garden spaces. The proposal also includes 33 resident lounges (typically two lounges per floor) which are envisaged to be adaptable spaces for residents to work from the site.
- 2.5 The development is also proposed to provide 875sqm of commercial floorspace in the form of four Class E units. These are proposed along the south and eastern perimeter of the ground floor of the building, providing active frontages onto Victoria Avenue, Queensway and Baxter Avenue. The Planning Statement outlines the potential future uses of the Class E units which according to the Use Class order can entail a range of town centre uses including food and non-food retail, restaurants, cafes, office space, gym facilities, day care centres etc. A specific use has not been provided.
- 2.6 The proposal includes 2,060sqm of public open space in the form of a green public square, or 'Pocket Park', at the front of the development site, fronting Queensway. The garden would be open to the public and would provide planting, seating and incidental play features. A series of green roofs are proposed across the scheme in part to improve the ecological value of the site and wider area by providing a range of habitats. A mix of wildflower and sedum planting at roof

level is proposed partially to improve the biodiversity offer at the site.

- 2.7 The proposed development would provide 299 parking spaces within a basement, ground and first floor car park accessed from Baxter Avenue. Of these, 16 spaces (some 5.3%) would be wheelchair compatible. In addition, 3 car club bays would be provided and proposed to be operated by Enterprise rent a car.
- 2.8 The proposal would also make provision for a total of 569 cycle spaces, 557 for the proposed residential units, 6 for customers of the proposed commercial units and 6 for staff. The future residents' cycle spaces would be provided across four communal stores located and accessed from the first floor of the building. Visitor cycle parking would be provided within the public green square at the front of the site.
- 2.9 Other alterations include the closure of the existing vehicular access onto Victoria Avenue and reinstatement of the footway, as well as forming loading bays on both Victoria Avenue and Baxter Avenue to assist with deliveries and servicing of the development. The proposal will ensure that the shared surface for pedestrians and cyclists on Queensway and Victoria Avenue will be retained or improved and a new shared surface will be included on the western part of the proposed 'Pocket Park'.
- 2.10 During the process of the application amended plans have been received to show an amended internal staircase to the main cores of the building to comply with the requirements of the Health and Safety Executive, the Pavilion West wing has been reconfigured, and the site area has been enlarged to include all land necessary for all aspects of the proposed development, namely a strip of highway land at the western part of the site which would accommodate partially the loading bay on Baxter Avenue. The change to the location plan required re-publication of the application.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 2 below:

Table 2: Relevant planning history of the application site and neighbouring sites

Reference	Description	Outcome [Date]
21/01457/PA3COU	Change of use from offices (Class B1(a)) to 334 self-contained flats (Class C3) (Prior Approval)	Prior Approval Granted [10.12.2021]
Neighbouring sites		

Reference	Description	Outcome [Date]
<p>21/02546/RESM</p> <p>Queensway Development, Queensway Slip Road</p>	<p>Approval of reserved matters pursuant to condition 17 of planning permission 20/01479/BC4M dated 06.09.2021, comprising details of access, appearance, landscaping, layout and scale for 218 units with associated 108sqm of cafe (Use Class E); 86.8sqm of Office (Use Class E); Porters Park, associated landscaping; provision of new road with access from Chichester Road with associated public realm and infrastructure; parking and temporary parking arrangements; with accompanying information to part discharge conditions: Condition 20 (Statement of compliance against the Design Code), Condition 30 (Archaeological Written Scheme of investigation), Condition 32 (daylight, sunlight and overshadowing assessment), Condition 33 (wind/micro-climate assessment), Condition 34 (visual impact assessment), Condition 45 (foul drainage strategy), Condition 49 (energy strategy), Condition 59 (travel plan) and Condition 62 (noise impact assessment)</p>	<p>Awaiting Determination</p>
<p>20/01479/BC4M</p> <p>Queensway Development, Queensway Slip Road</p>	<p>Hybrid application for: 1. Outline consent for the phased demolition of existing residential and commercial units, pedestrian footbridge, and associated structures and redevelopment to provide up to 1,760 dwellings (up to 177,650sqm), including provision of affordable housing in buildings of up to 89.43m above ordnance datum (approximately 18 storeys); up to 10,000sqm of commercial uses comprising (a) up to 5,000sqm of retail and cafes (Use Class E,F.2, Sui Generis) (with a maximum of 1,500sqm outside the Primary Shopping Area); (b) up to 5,000sqm of Employment Space consisting of Workshops/Artistic Studios/Recording Studios/ Brewery/Bakery; (Use Class E,B2 and Sui Generis); and Office Space (Use Class E capped at 2,500sqm); (c) up to 1,500 sqm of Community and Creche/Nursery (Use Class E/F.1)(d) up to 1,000sqm of Leisure (Use Class E); and (e) up to 500sqm of Event Space (Use Class</p>	<p>Permission Granted [06.09.2021]</p>

Reference	Description	Outcome [Date]
	<p>E/Sui Generis) new public open space; associated landscaping; car parking, public realm enhancements; access arrangements and associated infrastructure 2. Detailed (full) application for phased engineering works to remove roundabout at Queensway/Sutton Road/Southchurch Road, and associated underpass, with re-grading of the Queensway, to provide a new 4 lane carriageway at grade with footpath; cycle lane, bus facilities, public realm, landscaping and associated structures as well as a new roundabout at grade, linking Southchurch Road and Queensway, and closure/stopping up of Sutton Road</p>	
<p>18/02151/FULM Car Park At 27 Victoria Avenue</p>	<p>Erect 217 self-contained flats comprising of part 13/part 15 storey building fronting Victoria Avenue and part 2 to part 12 storeys to rear with balconies to all elevations, roof terraces at second, eighth, ninth, eleventh and twelfth floors to rear, form commercial units (Use Classes A1, A2, A3 and A4) at ground floor level, layout 172 parking spaces at ground and first floor car park and cycle storage to rear, install vehicular accesses on to Victoria Avenue, form loading bays, alterations to highway, public realm alterations and associated landscaping (amended proposal)</p>	<p>Grant Conditional Permission [02.07.2019]</p>

4 Representation Summary

Community Involvement by Applicant

- 4.1 A Statement of Community involvement has been submitted with the application to demonstrate that feedback has been sought from the local community about this application prior to its submission.

Public Consultation

- 4.2 Seven-Hundred and Fifty-Eight (758No.) neighbouring and nearby properties were consulted, a site notice displayed and a press notice published. A second round of publication of the application with site and press notices has not expired yet. 12No. representations have been

received in total. 11No. object to the scheme and 1No. is in support. The objecting comments are summarised below.

- Amenity impacts;
- Reduction in natural light and impact on solar heating;
- Overlooking concerns;
- Subsequent impact on mental health and well-being;
- Loss of sea views;
- Historical refusal of 27 Victoria Avenue based on issue of height should act as a precedent;
[Officer Comment:] Height from a design and character standpoint did not form a reason for refusal of the initially submitted scheme for 27 Victoria Avenue Ref. 18/00978/FUL
- Concerns with development massing which appears over scaled and excessive;
- Concerns about proximity of rear extension to 27 Victoria Avenue building;
- Concerns with the total number of units proposed and the impact on increased traffic;
- Developer has history of planning violation;
- Development should not bear any relation/link to the Queensway development;
- Concerns about construction noise, disturbance, dust etc.;
- Potential for increased crime due to higher density and lack of security provisions;
- Further strain on existing utilities such as water/sewerage etc.;
- Further stain on social/community infrastructure;
- Concerns with servicing for the development and use of drop off/pick up zones;
- Parking Concerns.

The supporting comments are below:

- Alexander House is presently an eyesore so development would represent a significant improvement;
- Well-situated close to transport hubs;
- The development would provide much needed housing

[Officer Comment:] The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but were not found to justify refusing planning permission in the circumstances of this case.

Lead Local Flood Authority (LLFA)

- 4.3 No objections subject to conditions requiring submission of additional information as follows:
- a) Need more drawings showing the internal drainage, along with drainage features.
 - b) Show phasing plan with how the drainage features are going to be set up.
 - c) Show how the blue/green roofs connect into the drainage system.
 - d) Show results from calculations on the 1:1 and 1:30 storm event.
 - e) Expand on results from water quality calculations. Show use of the Simple Index Approach.
 - f) Show how flood risk would be managed during construction.

Public Health

- 4.4 No objections.

Environmental Health

- 4.5 No objections subject to conditions for a contamination watching brief, for submission of a construction management plan and for a post noise completion survey, to limit noise from commercial plant to be installed, to limit delivery hours, for details of external illumination and for compliant refuse stores and waste management.

Internal noise

Mitigation would be needed in order to achieve appropriate internal noise levels and these have been detailed in sections 9.3 (glazing requirements) and 9.4 (mechanical ventilation) of the Noise Impact Assessment report. Overheating as a result of keeping windows closed has also been considered and assessed.

External amenity areas

With regards to the external amenity areas, areas on the eastern site of the development would comply with the required noise levels. However, external amenity areas on the northeast of the site are exposed to higher levels of traffic noise, so are unlikely to comply. Some balconies would be partially screened by solid balustrades and communal amenity space would be available on the 2nd floor which is compliant. In this respect, it is recognised that efforts have been made to minimise noise levels in accordance with the requirements of BS8233 and also the Professional Practice Guidance on Planning and Noise.

Commercial use on the ground floor

The proposal includes commercial use (class E) on the ground floor, but the final user/type is not known at this stage. As Class E can include a variety of uses such as gyms, bars, restaurants etc there could be noise associated with the use and/or plant and equipment associated with it. The noise report does not offer any insulation or mitigation scheme.

Plant/equipment noise

Information is not known at this stage as to noise levels associated with any plant and equipment to be installed as part of the development. Noise emission design targets have therefore been recommended and these have been designed to achieve 10dB(A) below background. This is satisfactory and in accordance with our standard/usual requirements.

Construction noise and vibration

Construction noise impacts arising from the development have been looked at in respect of both existing commercial and residential receptors in the area. Any impact can be dealt with by a detailed Construction Environmental Management Plan.

Air Quality

The Air Quality Assessment compiled by Air Quality Assessments Limited dated 30th November for the application appears satisfactory. The assessment has considered demolition, construction, and operational phase impacts. It concludes that air quality levels are within Air Quality Assessment Levels (AQAL) for future occupants at the proposed site and the

development itself is unlikely to result in any detrimental impact on air quality levels in the area. The demolition/construction phase dust risk assessment details that impact is 'medium', so dust and air quality mitigation has been proposed, which refers to the IAQM (Institute of Air Quality Management) guidance.

[Officer comment: Conditions which are considered to pass the relevant tests of planning law, policy and guidance in the circumstances of this case are recommended in the last section of this report. Given the nature of the site and the findings of the relevant supporting document, it is not considered necessary or reasonable to impose a contamination watching brief condition or a condition for a post-completion noise impact assessment. Appropriately worded conditions to cover these matters have been recommended.]

Parks

- 4.6 No objections to the Ecological Appraisal provided by Greengage and accept the conclusions reached in the Executive Summary. Support the proposed public realm enhancements to the front of the site subject to the maintenance of this area being included within the rest of the site maintenance. With regard to the establishment of tree species both within the proposed public realm enhancement and inside the development itself, the developer must commit to establishing the proposed trees, including with watering for a minimum of two years, and any losses incurred should be replaced by the developer, and the maintenance period restarted on any replaced specimens.

Tree Officer

- 4.7 No objections to the proposed tree removal schedule on account of the low quality and appearance of the identified trees. The details of tree protection measures for those trees identified for retention is also acceptable. It is noted that the tree planting schedule would see 47 new trees delivered which is a positive element of the development. All pruning works should be carried out in accordance with BS 3998:2010 Tree Work Recommendations. With regards to the species selected for the new plantings, the following is recommended:
- Prunus avium This native tree would be good for wildlife but it is shallow-rooted and so provisions should be made to prevent any surface roots damaging the nearby public footways hard surfacing. This would also prevent tripping hazards and highways maintenance costs.
 - Similar care should be taken with Prunus serrula, which although they are going for a multiple stemmed plant, this is also a shallow rooting tree.
 - The other three species selections of Acer campestre Streetwise for Street Tree planting, Betula utilis var Jacquemontii for Clear Stem Trees and Amerlanchier lamarckii for Multi-Stem trees are all appropriate selections for the locations shown

Strategic Housing

- 4.8 No objections – the proposed tenure mix is not ideal but there is significant need for affordable housing and the viability evidence does not support additional provision. The late-stage viability review mechanism must be secured and the commuted sum must be agreed/caped in line with the Interim Affordable Housing Policy for two thirds (2/3) of the total sum given that one third (1/3) would be provided on site.

Health Care (NHS)

- 4.9 Financial contribution of £264,700 requested for the benefit of patients of the Primary Care Network operating in the immediate area.

[**Officer comment** – Primary health care can be funded through CIL and no additional planning obligations can be imposed for this matter.]

London Southend Airport (LSA)

- 4.10 No objection subject to maximum height of development of 87.17m (AOD). Any cranes used to construct the proposed development would be required to undergo an assessment to understand any impacts.

[**Officer comment:** The additional assessment can be secured through the processes relevant to air traffic safety. An informative is recommended.]

Health and Safety Executive

- 4.11 No objection. Following a review of the amended information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

Essex Police

- 4.12 No objections subject to conditions relating to continued engagement on the project and the project achieving Secured by Design accreditation. Suggested that the consideration is given to the Community Safety Accreditation Scheme.

[**Officer comment:** Planning conditions that meet the relevant tests of the legislation, policy and guidance have been recommended in the relevant section of the report. Secure by Design standard cannot be required but an informative is recommended.]

Historic England

- 4.13 No comments.

Education

- 4.14 A financial contribution of £317,897.67 is required towards secondary education provision at Southchurch Academy or other nearby secondary school as required.

Design and Conservation Officer

- 4.15 No objections subject to the following conditions:

- Materials - full product details including brick samples and mortar colours;

- Detailing - including colonnade, entrances, reveals, privacy screens, balconies and balustrades, cross sections for each type of grid and each type of decoration, parapet, shopfront, signage and lighting strategy.

The increased scale of the building is successfully offset by the carefully considered design details and materials and by the landscaping around the site. The development overall would give this area a more city like feel and create a new landmark for Southend, appropriate for this location which is at the heart of the city centre and at a key transport node.

With regards to Heritage, taking into consideration the existing townscape in this location, it is considered that, subject to the agreement of quality materials, detailing and landscaping, the impact on the setting of the listed museum would be less than substantial. This would need to be weighed against the public benefits of the scheme, including the provision of housing and regeneration of this area.

Highways

- 4.16 No objections. The applicant has provided a robust transport statement to support the application. This includes sustainable travel options, TRICS (Trip Rate Information Computer System) analysis, census data and a proposed travel plan. The site benefits from being in a town centre location with good links to sustainable travel links, local services and public car parks. Secure cycle parking would be provided. The applicant would be required to enter into the appropriate highways agreement to carry out the reinstatement works for the vehicular crossover points and to secure contributions for the taxi rank conversion works, to provide taxi rank enhancements across the city, to improve / refurbish existing bus stop infrastructure and to secure Car Club spaces. Future occupiers would not be eligible for a town centre or parking permit. A Travel Plan including travel packs would be required and would be monitored.

Active Travel England (ATE)

- 4.17 No objections subject to conditions about cycle parking and access details and details of the access and design of the public realm as well as a suitably worded obligation for residential and commercial travel plans.

5 Procedural matters

- 5.1 This application is presented to the Development Control Committee because it is a major development and upon consultation with the Chair of the Committee it was considered prudent to do so.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2024)
- 6.3 National Design Guide (NDG) (2021)

- 6.4 Technical Housing Standards – Nationally Described Space Standards (2015)
- 6.5 Core Strategy (2007) Policies: KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP6 (Community Infrastructure), CP7 (Sport, Recreation and Green Space), CP8 (Dwelling Provision).
- 6.6 Development Management Document (2015) Policies: DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM4 (Tall and Large Buildings), DM5 (Southend-on-Sea’s Historic Environment), DM6 (The Seafront), DM7 (Dwelling Mix), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre), DM14 (Environmental Protection), DM15 (Sustainable Transport Management).
- 6.7 Southend Central Area Action Plan (2015) Policies: DS1 (A Prosperous Retail Centre), DS2 (Key Views), DS3 (Landmarks and Landmark Buildings), DS4 (Flood Risk Management and Sustainable Drainage), DS5 (Transport, Access and Public Realm), PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles).
- 6.8 Southend-on-Sea Design and Townscape Guide (2009)
- 6.9 Technical Housing Standards Policy Transition Statement (2015)
- 6.10 Addendum to the South Essex Strategic Housing Market Assessment (2017)
- 6.11 Waste Storage, Collection and Management Guide for New Developments (2019)
- 6.12 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)
- 6.13 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.14 Guide to Section 106 & Developer Contributions Supplementary Planning Document (SPD) (2015)
- 6.15 Interim Affordable Housing Policy (2016)
- 6.16 Vehicle Crossing Policy & Application Guidance (2021)
- 6.17 Electric Vehicle Charging Infrastructure for new development Supplementary Planning Document (2021)
- 6.18 Town and Country Planning Act 1990 (as amended): Section 90A, Schedule 7A (Biodiversity Net Gain)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, including for the provision of housing, the loss of office space, the provision of commercial space, the principle of a larger building and the proposed dwelling mix, the design and impact on the character and appearance of the area including impact on heritage, the impacts on neighbours' residential amenity, the living conditions of future occupiers, fire safety, air quality and micro-climate, traffic and transportation matters, waste management, flood risk and drainage, sustainability, biodiversity, ecology and RAMS, CIL and developer contributions. These planning considerations need to be taken into account in the round when undertaking an overall planning balance exercise.

8 Appraisal

Principle of Development

Provision of Housing

- 8.1 National and local planning policy promotes the effective use of land subject to safeguarding and improving the environment and local amenity. The NPPF encourages effective use of land, in particular previously developed land. It states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 8.2 The Core Strategy confirms that the primary focus of regeneration and growth within Southend is in Southend City Centre and the Central Area. The Southend Central Area Action Plan (SCAAP) provides a more detailed and comprehensive planning policy framework for the town centre to guide future development decisions.
- 8.3 The application site constitutes partially developed brownfield land within the Southend Central Area. It is also part of the Victoria Avenue 'Broad Location A' which has been identified within the 2017 Strategic Housing Land Availability Assessment as being suitable for high density residential development. The proposal to re-develop the site would broadly accord with overarching national and local policy guidance.
- 8.4 Policy PA8 of the SCAAP sets out the principles for development in the Victoria Gateway Neighbourhood Policy Area. This policy confirms that the Council would look favourably on high-quality, large-scale developments, provided they are well designed, can demonstrate that they would contribute to the transformation of this area into a vibrant community, are well integrated with the surrounding neighbourhood and are of a quality that befits this key gateway to the City Centre.
- 8.5 The figures of the Housing Delivery Test (HDT) and the Five-Year Housing Land Supply (5YHLS) show that there is a significant need for housing in the city. The presumption in favour of sustainable development is engaged in this instance as required by the NPPF. The South Essex Strategic Housing Market Assessment (SESHMA) shows that the city needs all types of housing.

- 8.6 The proposals would provide a significant number of additional homes including additional family units. The results of the HDT and the position on the 5YHLS weigh in favour of the proposal and the amount of housing would make a significant contribution to the housing stock of the city. The findings of the SESHMA significantly support the proposal.

Provision of commercial space and loss of office space

- 8.7 Policies CP1 of the Core Strategy and DM11 of the Development Management Document seek to resist proposals which would involve the loss of existing employment uses. Policy CP1 of the Core Strategy states that permission would not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal would contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area. Policy CP2 of the Core Strategy encourages town centre uses to be located within the designated locations, including the City centre.
- 8.8 The proposal seeks a mixed-use development comprising 875sqm of commercial floorspace in the form of up to four commercial units within Use Class E. Whilst the site has historically been used for office and thereby employment purposes, there is an extant prior approval at the site (ref. 21/01457/PA3COU) for change of use of the existing building from offices (former Class B1(a)) to 334 self-contained flats (Class C3). Whilst this prior approval expires in December 2024, the principle of re-development of this site to a residential led development has already been established, and the permitted development provisions form a realistic fall-back position which should be given increased weight in the determination of this application.
- 8.9 Moreover, the proposal includes 875sqm of commercial floor space at ground floor level with the provision of active frontages on all surrounding roads, Victoria Avenue, Queensway and Baxter Avenue. The extent and location of the proposed commercial space provision are acceptable. The principle of converting the office space to homes with the secondary commercial element at ground floor is acceptable.

Provision of a large or tall building

- 8.10 Policy DM4 of the Development Management Document states that tall and large buildings would be considered acceptable where the following criteria are met:
- (i) They are located in areas whose character, function and appearance would not be harmed by the scale, mass or bulk of a tall or large building; and
 - (ii) They integrate with the form, proportion, composition, and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level; and
 - (iii) Individually or as a group, they form a distinctive landmark that emphasises a point of visual significance and enhances the skyline and image of Southend; and
 - (iv) The highest standards of architecture and materials are incorporated; and
 - (v) The latest regulations and planning policies for minimising energy use and reducing carbon emissions over the lifetime of the development are exceeded, where viable and feasible; and
 - (vi) Ground floor activities provide a positive relationship to the surrounding streets; and

- (vii) They are located in a sustainable area with frequent public transport links, and where local services are accessible by foot and bicycle.

8.11 Policy DS3 of the SCAAP states that the Council would support and encourage the creation of new landmarks in, among other areas, Victoria Avenue, where development proposals must demonstrate that:

- a. design, detailing and use of materials are of exceptional quality and interest and would help to reinforce local character and distinctiveness;
- b. the location would provide a focal point for an existing vista/sight line or generate a new one;
- c. the proposals do not adversely affect the amenity of local residents; and
- d. the proposals do not harm the setting of nearby heritage assets.

8.12 Matters in relation to design are discussed in more detail in the relevant section of this report. In relation to criteria (i) and (ii) of Policy DM4, it is considered that the character, function and appearance of the wider area, which is mixed in nature and form, but already characterised by large buildings, would not be harmed by this proposal. In terms of height and scale, the proposal would be seen in the wider context of other large and tall buildings in the immediate vicinity and is considered to integrate acceptably in the locality at streetscene level. This is aided by the significant proportion of active ground floor facades that would be animate the building's western, eastern and southern frontages. The stepped footprint, use of materials which provide distinction and separation between the building's different wings and the provision of a colonnade at ground floor level to the new wings, would balance the resultant scale and mass to an acceptable degree. Other positive design elements, including the provision of tall windows and projecting and inset balconies have been incorporated and are considered to provide good visual interest. The materials detailed are considered to be of acceptable quality and finish for this scale development in compliance with criterion (a) of Policy DS3. Details of all materials to be used can be secured via condition. It is considered the proposal suitably accords with criteria (iii) and (iv) of Policy DM4 noted above.

8.13 Details of sustainability in relation to criterion (v) of Policy DM4 are discussed in the relevant section of this report and this criterion is met. In compliance with criterion (vi) of Policy DM4, ground floor activities are proposed, and conditions can secure an active frontage is maintained. The area is well served by public transport, including bus and train links, and is accessible by alternative means in line with the requirements of criterion (vii) of Policy DM4.

8.14 As discussed in the relevant sections of the report, the proposal would not harm the setting of nearby heritage assets in compliance with criterion (c) of Policy DS3. It would generate a focal point for public vistas from the east and west and add interest to the skyline from vistas to the north and south, thus satisfying criterion (b) of Policy DS3.

8.15 As discussed in more detail in the relevant section of the report, the proposal would result in some negative effect on the daylight/sunlight of occupants of the flats within the southern elevation of Victoria Central. However, it is concluded that the combined public benefits of the scheme would clearly outweigh the harm caused by the development's impact in this respect, such that relevant local and national policy objectives would be satisfied overall.

Dwelling mix

- 8.16 Policy DM7 of the Development Management Document seeks that residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the City's housing need and housing demand. The evidence contained within the HDT, the 5YHLS and the SESHMA demonstrate that there is a significant need for all types and sizes of dwellings within the City and render the specific mix stated in the policy as out of date. This is a factor that must be given significant weight in the assessment of this application.
- 8.17 The units proposed incorporate a mix of dwelling sizes, including thirty-eight (38no.) 3-bed units capable of family occupation and fifty-six (56no.) units for wheelchair users. It is considered that the dwelling mix would accord reasonably with the higher density context of the site surroundings and the constrained nature of the site. The proposal would make a significant contribution to meeting the housing needs of the city and is considered to be acceptable and policy compliant in the above regards.

Conclusion on principle of development

- 8.18 In the round, the principle of providing this residential led mixed-use development on this site and in the form of a large and tall building is considered acceptable and also represents a positive re-use of brownfield land.

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

- 8.19 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.20 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.21 The site is at a point of transition, between the edge of centre and the High Street, occupying a prominent position fronting the busy Queensway junction. It sits as the first and tallest building within a cluster of other tall buildings on the west side of Victoria Avenue. The buildings here vary between 7 and 15 storeys in height and were mainly built between the 1960s and the 1980s when there was greater demand for large scale office type development. They are mixed in quality and design. For example, the application site itself is now of a rather dated design and has a tired appearance, in part owing to the fact that it has been vacant for many years. As it stands today, the building does not provide a positive landmark for the city at this gateway location.
- 8.22 The reduction in the demand for this type and scale of office space has had a marked effect on the buildings in this section of Victoria Avenue many of which lay vacant for years. Several

of the vacant buildings/sites have been converted to dwellings under permitted development kick starting the regeneration of this area. The character of the area is now evolving into a more mixed-use community.

Mix of Uses

8.23 The proposed mixed-use development comprises commercial (Class E) floorspace at ground floor level and another seventeen (17) storeys of homes above. The commercial uses would make up the majority of the frontage at ground floor level facing the surrounding streets. This would provide vitality and activity to the streetscene in this location and the residential uses above would bring footfall into the area supporting the commercial uses. The mix of uses proposed is therefore considered to complement with the evolving character of the wider area as it transforms into a sustainably mixed-use community.

Scale and Form

8.24 The site currently comprises an existing 16-storey office block, and the adjacent development (to the immediate north) at Victoria Central contains a tall building of 14 storeys. A tall building on this site is therefore already an established feature of the existing site and surrounding context.

8.25 The proposal seeks to retain and enlarge the existing tall building on the site, erecting two additional storeys to the top of the existing building increasing the overall scale to 18 storeys and to erect 12- to 16-storey extensions to create new wings to the front and rear. The two-storey extension above the existing building core would centralise the massing, allowing for a focussed taller element at the centre of the site and away from adjacent properties.

8.26 Following pre-application engagement, the scheme's design has evolved such that the development's massing would step down to the north towards the adjacent Victoria Central development. The massing of the building thereby would respond to the existing and emerging character of the local context and would create a hierarchy of scale within the overall form of the building, giving greatest presence to the front block where it would front the key junction of Victoria Avenue and Queensway. The layered massing approach creates space for communal outdoor amenity, as well as reducing the impact and the perceived height of the overall development by avoiding a long, continuous block of massing.

8.27 In addition to the proposed step in height, the building would also have significant detailing and articulation to all elevations. This would be achieved with the use of a range of complementary brick tones to emphasise the recesses and breaks in the form, a variety of horizontal, vertical and projecting features and recesses creating vertical breaks in the building form, and a grid / bay pattern to the facades. This design approach is in stark contrast to the existing monolithic form of the building which lacks identity, articulation and refinement. This layering and articulation of the proposed building would break up the scale of the frontages into more comfortable proportions and would balance the length of the facades and the scale of the building generally. This approach ensures that the quality of the development would be as appreciable and legible from street level, as it would be from a distance.

8.28 Overall, it is considered that the proposed combination of stepping, recessing and detailing

would provide an acceptable transition in the streetscene between the existing neighbouring buildings, as well as breaking down the scale and massing of the proposed building in the streetscene to an acceptable degree. It is therefore considered that the design approach sought, together with the prominence of the site, would achieve a development and an impact suited to this key gateway location, in accordance with the relevant policy requirements in relation Tall Buildings.

Layout

- 8.29 As with all tall buildings, the design of the building at ground level would be key to its successful integration into the townscape. The development must provide a positive experience for pedestrians to balance against the significant scale. Taking reference from other buildings along Victoria Avenue, the lower two floors of the proposal have been designed to form a plinth to the building and provide a horizontal break in the massing close to ground level. At the front of the site this includes a double height colonnade which would provide a strong feature in the streetscene and give the building more presence in the streetscene, contributing to the sense of place and status of the building as a local landmark. This plinth and colonnade features would also give the street frontage a more relatable scale for pedestrians, a focus for the active frontages of the commercial uses and would help to break up the massing of the building in wider views.
- 8.30 The street frontages would be complemented by the proposed landscaped public space to the front of the site. This would replace the existing unattractive car park in this area and is another positive aspect of the scheme. The proposed landscaping to the front would provide an appropriate setting for the building in the street and contribute to the quality, appearance and wider regeneration of this area. This landscaping is proposed to continue around the building along both Victoria Avenue and Baxter Avenue. The external layout of the proposal is therefore satisfactory.
- 8.31 In relation to the internal design and layout, the three floors of car parking for the development would be within the rear part of the building at the basement, ground and first floor level and behind the commercial frontage and residential units. This layout would limit exposure to key public vistas. This is a positive feature of the design.
- 8.32 Internally, the flats are accessed via lift and staircase cores which serve all five wings of the building and appropriately link to the main entrance/lobby. This is considered to represent an efficient arrangement which in part is informed by fire safety design requirements. The layout of the dwellings themselves is well planned, with most benefitting from private outdoor amenity space in the form of balconies and terraces and meeting or exceeding the minimum internal floorspace standards. The internal layout is also acceptable.

Overall design approach

- 8.33 Viewed comprehensively, it is considered that the resulting massing, detailed design, layout and use of external materials would provide a high-quality development at this key gateway site linking Victoria Avenue to Queensway and the city centre. The design suitably responds to the mixed character of uses and buildings around the site and the scheme is considered to represent a high standard of design in terms of its appearance, so justifying the additional tall

building elements proposed in this location and wider street scene. The design of the proposal is therefore considered to be acceptable and policy compliant in the above regards.

- 8.34 The installation of structures and/or apparatus for purposes relating to telecommunications or renewables on any part of the roof of the buildings has potential to have an adverse impact on the townscape and character of the area. A condition would therefore be imposed to ensure the LPA can control the development in the area so that it retains the high-quality of the development proposed.

Heritage

- 8.35 Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that development proposals must have special regard to the desirability of preserving listed buildings and/or their setting or, any features of special architectural or historic interest which it possesses.
- 8.36 NPPF Chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 208 of the NPPF states that: "Where a development proposal would 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".
- 8.37 Policy DM5 of the Development Management Document highlights the need for applications that affect heritage assets to be accompanied by an assessment of their significance, and to conserve and enhance its historic and architectural character, setting and townscape value. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset would be weighed against the impact on the significance of the asset and the public benefits of the proposal and would be resisted where there is no clear and convincing justification for this.
- 8.38 A Heritage Statement has been submitted in support of the application which assesses the impact of the proposals on the character of the area and on heritage assets. The Heritage Statement identified that only the Grade II Central Museum (west of the application site) has the potential to be impacted by the development. This impact would potentially be to its architectural value and setting, as a result of its close relationship to the application site, opposite and across Victoria Avenue.
- 8.39 The Heritage Statement concludes that, owing to the varied heights of the design, with the lowest section closest to the heritage asset, together with the careful layering of the elevations using setbacks and balconies and considered use of local materials in a contemporary manner, the proposal would considerably mitigate any resulting impact. The scale difference between the listed building and the development would be significant and would be stepped up from the existing building. However, the museum is already overshadowed by the existing buildings in Victoria Avenue so its setting is already compromised. This increased impact would be offset to a significant extent by the positive benefits of the development, including the transformation of the existing building to a high quality of design, including careful choice of complementary materials, the improvements to the streetscene and the significant landscaping.

- 8.40 Overall, taking into consideration the existing townscape in this location, it is considered that, subject to the agreement of quality materials and detailing and landscaping the impact on the setting of the listed museum would be less than substantial and minor in degree. This would need to be weighed against the public benefits of the scheme including the provision of housing and regeneration of this area. The significant provision of housing is considered to clearly and significantly outweigh the minor harm to this heritage asset.
- 8.41 The development is of a scale which would be seen in longer views from the surrounding area and so also has the potential to impact on heritage assets in the wider area albeit as part of a skyline or background view. A Townscape Visual Impact Assessment has been submitted with the application. This shows that whilst the development would be visible in some views from heritage assets in the surrounding area, including from the top of Nelson Street in Clifftown Conservation Area, from the northern end of Park Road close to Milton Conservation Area, from the northern end of Victoria Avenue in the context of Prittlewell Conservation Area and from Pier head, in these views, the development would very much form part of the distant backdrop of other development and would not be a prominent or harmful incursion to the setting of these heritage assets. The building would be most visible in closer views from the immediate surrounding area and whilst it significantly changes these views, the impact would be positive.
- 8.42 The Council's Design and Conservation Officer raises no objection to the proposals. Historic England were also consulted and have raised no objections to the scheme on this basis. In summary, the identified less than substantial harm is found to be clearly outweighed by public benefits such that, overall, the relevant heritage policy objectives would be satisfied.

Trees and Landscaping

- 8.43 An Arboricultural Survey, Impact Assessment and Method Statement (conducted by Keen Consultants Ltd.) has been submitted as part of the submission documents, along with a proposed landscaping strategy for the site.
- 8.44 For reference, a summary of BS 5837: 2012 tree categorisation is provided:
- Trees that do not warrant consideration for retention:
U = those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management.
 - Trees to be considered for retention:
A1, 2 or 3 = trees of high quality and value (substantial contribution >40 yrs)
B1, 2 or 3 = trees of moderate quality and value (significant contribution >20 yrs)
C1, 2 or 3 = trees of low quality and value (but adequate, i.e. >10 yrs or young trees – until new planting can be established)
- 8.45 In total, some 22 trees are proposed for removal:
- 4 x individual Cherry trees along Baxter Avenue (T1-T4);
T1-T3= Category U
T4= Category C1
 - 4 x Crab Apple trees (Tree Group 6) in Southend Council shrub beds on highways land=

Category U

- 11 x Crab Apple trees (Tree Group 7) = Category C2
- 1 x Rowan tree (T8) = Category C2
- 2 x Silver Maple trees (T9 & T10);
T9= Category U
T10- Category C2

8.46 The surveys also highlighted several trees for retention, having been identified as contributing to local amenity:

- 1 x London Plane (T5) on the corner of Baxter Avenue and Queensway=
Category B1
- 2 x Liquid Amber trees (T11 & T12) to the south of the site fronting Queensway=
Category B2
- 4 x River Birch trees (T13 - T16) to the south of the site fronting Queensway=
Category B2 and
- 1 x Lime tree (T17) along Victoria Avenue = Category B1

8.47 A tree protection plan outlines the actions that would be taken to protect these trees and their root systems before, during and after the construction period. The Council's tree officer raises no objection to the findings of the tree survey and the proposed tree removal/tree retention schedule, subject to strict adherence to the protection measures identified for those trees to be retained which would be secured via condition. A planning condition is recommended to secure these measures.

8.48 The development proposes extensive new planting throughout the site, resulting in a substantial net gain in the total number of trees in excess of the policy required ratio of 2 for 1. In total, 47 new trees are proposed to be planted across the site (resulting in a net gain of 25 trees on the site). The proposed tree retention and enhancement strategy for the site developed as part of the wider Landscaping Strategy is a significantly positive element of the scheme which accords with overarching national and local policy objectives in this respect.

8.49 With regards to the species selected for the new plantings, the Council's tree officer recommends the following measures:

- *Prunus avium*; A native tree good for wildlife but it is shallow-rooted such that provisions should be made to prevent any surface roots damaging the nearby public footways hard surfacing.
- Similar care should also be taken with the *Prunus serrula* proposed. Although this is a multiple stemmed plant, similarly to the *Prunus avium*, this is also a shallow rooting tree.
- The other three species proposed; *Acer campestre* Streetwise for Street Tree planting, *Betula utilis* var *Jacquemontii* for Clear Stem Trees and *Amerlanchier lamarckii* for Multi-Stem trees are all appropriate selections for the locations shown

8.50 A condition is recommended for the details of the management of the landscaping to be submitted. Such details would be expected to include commitments that pruning works are carried out in accordance with BS 3998:2010, watering of the new trees for a minimum of two

years and for the replacement of any tree losses within a five-year period to be undertaken by the developer.

Landscape Strategy

- 8.51 A wider landscape strategy has been developed for the site with a strong focus on the provision of opportunity for play, rest and relaxation within an otherwise heavily urban context. The landscape strategy prepared by Exterior Architecture establishes key landscaping objectives for the proposed scheme, which include:
- New greening along Victoria Avenue and Baxter Avenue and;
 - A new 'Pocket Park' open to the general public, at the front of the building, at the junction of Victoria Avenue and Queensway.
- 8.52 The new 'Pocket Park' has been designed to include defined routes to rationalise level changes and provide equitable access to all users, significant planting to promote urban greening, introduction of Sustainable Drainage System (SuDS) features to offset surface run-off and provision of a variety of seating spaces for small groups and individuals to inhabit and activate.
- 8.53 The landscaping in this area would result in the loss of some existing small/poor quality trees but the comprehensive landscaping scheme proposed would significantly uplift this side of Victoria Gateway, transforming it from a transient route to an attractive multipurpose open space. The proposal includes a lawn area and a large number of new trees, sitting out areas for the new commercial uses and for the general public. The landscaping scheme has also sought to address the level change from the pavement to the main entrances and has been designed to create a buffer to the traffic, introduce play elements and to improve local biodiversity. The landscaping would make a significant contribution to the sense of place created by the scheme and to the regeneration of this area. It would be important that the detailed design of the landscaping seamlessly integrates with the environmental enhancement works which have already been carried out at Victoria Gateway and this should be considered especially when choosing the final materials, paving etc.
- 8.54 Conditions therefore have been recommended to ensure that the trees and wider landscaping implemented as part of the development would be of a sufficient quality, including ensuring that the new trees are of a suitable size, species and number. Conditions also have been recommended to ensure that all appropriate measures are taken to protect the trees proposed for retention within and adjacent the site. Officers take the view that appropriate consideration has been given to trees in the development of the scheme. Matters relating to access, parking, biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable.
- 8.55 It is concluded that the development provides more than adequate mitigation for the trees which would be lost as part of the works proposed and that the scheme is acceptable and compliant with development plan policy in respect of tree and landscaping matters.
- 8.56 The 'Pocket Park' is noted to include some Council-owned land that is proposed to be incorporated into the landscaping strategy. The Council's Parks Department have confirmed that they do not wish to accept maintenance for this area due to existing commitments. No

objections have been raised by either Highways or Parks about the proposed incorporation of public land to the proposed public 'Pocket Park'. The long-term maintenance of the landscaping would be carried out by the applicant, with this agreement secured with a legal agreement. A condition is recommended to secure that the 'Pocket Park' will remain available to the public in perpetuity.

- 8.57 Whilst these would not be readily visible from street level, the proposal would introduce a number of communal terraces and roof gardens which would contribute significantly and positively to the landscaping strategy for the development. A less positive aspect of all proposed communal landscaped areas is the absence of any play equipment and the impact of this absence to the character of those areas. A condition to require a strategy for play within the development is recommended to address this aspect.

Advertisement Signage

- 8.58 Advertisement signage associated with the development and the commercial units would be dealt with separately under the Advertisement Regulations. However, a condition is required to remove certain deemed consent rights so ensuring that the frontages remain active which relates to the high-quality design required of tall buildings.

Secure by Design

- 8.59 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.
- 8.60 Essex Police have entered into discussions with the developer during the application period in relation to designing out crime and there has been commitment for further discussions in the next stages of design post-determination. Essex Police have advised the imposition of two conditions; the first to secure continued engagement relating to designing out crime measures and a requirement to achieve the relevant Secured by Design accreditation. The applicant has accepted these. Whilst there is no policy to require the accreditation requested by Essex Police and this condition cannot be imposed, a condition is recommended to ensure that appropriate details are provided in relation to safety and security within the development. No objections are raised on this basis.

Conclusion on Character and Heritage

- 8.61 In the round, it is considered that the resulting massing, detailed design, layout and use of external materials would be suitably responsive to the mixed character of uses and buildings around the site. The scheme is considered to represent an acceptable standard of design in terms of its appearance therefore justifying the tall building form proposed in this location and wider streetscene. The design of the proposal is therefore considered to be acceptable and policy compliant in the above regards subject to conditions discussed above.

Standard of Accommodation and Living Conditions for Future Occupiers

- 8.62 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a

detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.

Space Standards and Quality of Habitable Rooms

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

Table 3: Minimum space standards

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

8.64 All dwellings within the proposal meet the required minimum standards and are acceptable and policy compliant in regard to flat and bedroom sizes. The overall sizes for each of the flats are contained within submitted area schedules.

8.65 The plans show that all habitable rooms would be provided with sufficient windows and openings to provide adequate ventilation and outlook. A Daylight and Sunlight Assessment has been submitted to assess the standards of light within the proposed homes. This document concludes that a reasonably high percentage of rooms (71%) would meet or exceed the recommendations of the BRE (Building Research Establishment) guidelines. The windows most affected by low light are those positioned within the return elevations of the 'City East' and 'City West' wings. These are compromised to a degree by the orientation of the windows/rooms in relation to the existing and proposed building massing. This is considered to be a reasonable result for such a development in a highly urban environment characterised by tall buildings. Those windows that do not meet the guidelines fail to do so in part due to the provision of balconies above them, an element which is positive, in the round.

8.66 During the development of the proposal, the design has been iteratively reviewed by the applicant's daylight and sunlight consultant in response to this Council's own observations and resulted in a series of amendments to the layout of the units during this process of review, these are outlined below: -

- Living/kitchen/dining rooms for the 1-bed units within the internal north courtyard corner were swapped with the position of the main bedroom to ensure that the optimal amount of daylight was entering the main interaction and living space.
- Balconies to the internal west elevation of the courtyard were un-grouped to allow greater amounts of light to enter the units beneath the balconies.
- Street East balconies were made wider and shallower to allow more light to enter apartments

located beneath them. The balconies are still 1.5m deep, and 7sqm in area, to ensure their functionality.

- 8.67 Whilst testing was undertaken to see the relative effects on daylight/sunlight were the causal balconies to be removed over the windows/rooms most affected, it was reasoned that the relative uplift in daylight levels (increasing the percentage of windows that would meet or exceed the recommendations of the BRE guidelines from 71% to 75%) was relatively limited when considered in the wider context of the scheme. Moreover, regard has been had to the BRE guidance which highlights in its introduction that, "...although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of the many factors in site layout design". On this basis, it is considered that the benefits of providing balconies and as many units as possible benefitting from their own private amenity areas, outweighs the slight uplift in daylight provision outlined above.
- 8.68 Officers concur with the assessment findings and the weighting apportioned to the preference for private amenity areas for flats both from a general overall residents' amenity standpoint and, because the balconies also contribute positively to the building's articulation.

Amenity Space Provision

- 8.69 In relation to the provision of amenity space, Policy DM8 states that all new dwellings should: "Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space would only be considered acceptable in exceptional circumstances, the reasons for which would need to be fully justified and clearly demonstrated."
- 8.70 Private amenity terraces are provided to 532 of the 557 proposed dwellings. Twenty (20no.) 1-bed, 1-person studio units and five (5no.) 1-bed, 2-person units on Level 1 would not have dedicated private amenity spaces but their occupiers would be able to use the communal amenity spaces. These spaces include the Level 02 landscaped communal terrace, the 3 communal roof terraces and the 33no. residents' lounges spread across the development as well as the development's 'Pocket Park'.
- 8.71 All proposed balconies are a minimum 5sqm for 1-bed dwellings, 7sqm for 2-bed homes and 10sqm for 3-bed units. This is considered satisfactory given the occupancy profile of the units and the context of the scheme as a high-density development in an urban environment. The provision of 4no. communal amenity areas spread across the site is considered a positive element of the scheme. A condition to provide these communal amenity spaces before first occupation is recommended. A less positive aspect of all proposed communal landscaped areas is the absence of any play equipment and the impact of this absence to the living conditions of future occupiers, particularly families. A condition to require a strategy for play within the development is recommended to address this aspect.

Overlooking/Privacy

- 8.72 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy require that development has regard to the amenity of residential occupiers. In this

regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development. High-quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

- 8.73 The scheme has been designed to ensure that each unit has adequate privacy, with the massing, fenestration design and balcony placement mitigating against potential overlooking impacts.
- 8.74 A 30m separation would be maintained between 'inter-facing' residential units positioned opposite one another within the West Pavilion and Street East wings. There is also significant separation between the associated balconies belonging to these units, where a minimum distance of some 25m is achieved. Other measures include the provision of obscured glass or angled 'louvred' screens to residential lounges in instances where residential unit windows are adjacent to lounge windows and the provision of metal privacy screens integrated into the facade design to ensure privacy for residents' balconies that are directly adjacent to one another. Details of these screens can be required with a condition.
- 8.75 The rear elevation of the proposed Street East wing would be some 15m away from the nearest neighbouring building. However, no clear glazed openings are proposed to this elevation. The proposal would be sufficiently away from neighbouring openings so no significantly harmful overlooking would affect the living conditions of future occupiers.
- 8.76 It is therefore considered that in the context of the development and the design-led approach to optimising the site, the measures implemented to minimise overlooking between the new homes and relationship with existing uses would deliver appropriate privacy for future residents.

Noise and Disturbance

- 8.77 The application is accompanied by a Noise Impact Assessment by Quantum Acoustics Ltd. which identified that the main noise sources around the site resulted from road traffic noise with the east of the site also affected by train noise.
- 8.78 The report identifies mitigation measures to ensure an appropriate acoustic environment for future residents. This would include the use of standard thermal double glazing and acoustic double glazing where appropriate. Whilst thermal comfort is a matter for Building Regulations, the applicant has submitted a preliminary assessment under Part O of the Building Regulations which concludes that acceptable thermal comfort within the proposed units can be achieved and there is no conflict with the proposed strategy for the acoustic environment.
- 8.79 Environment Health have not objected to the scheme on this basis. They consider that appropriate noise measurements have been undertaken with reference made to the relevant standards and guidance and that appropriate mitigation measures [detailed in the Noise Impact Assessment report's sections 9.3 (glazing requirements) and 9.4 (mechanical ventilation)] would achieve appropriate internal noise levels. A condition would be imposed to ensure the

mitigation measures are implemented during construction.

- 8.80 With regards to noise and disturbance to external amenity areas, areas on the eastern side of the development would comply with the required noise levels. However, external amenity areas on the northeast of the site are exposed to higher levels of traffic noise, so are unlikely to comply. Some balconies would be partially screened by solid balustrades and communal amenity space would be available on the 2nd floor which is compliant with the relevant noise standards. In this respect, it is recognised that reasonable efforts have been made to minimise noise levels in accordance with the requirements of BS8233 and also the Professional Practice Guidance on Planning and Noise and regard had to the overall amenity benefit conveyed from the provision of the balconies themselves to future occupants. On this basis, no objections are raised.
- 8.81 The proposal includes commercial use (class E) on the ground floor. The end user/type is not known at this stage. As Class E can include a variety of uses such as gyms, bars, restaurants etc there could be noise associated with the use and/or plant and equipment associated with it. The noise report does not identify and specific proposed measures in the event of that scenario instead referring to Approved Document E of the Building Regulations in terms of construction.
- 8.82 As stated, information is not known at this stage as to potential noise levels associated with any plant and equipment which may need to be installed to support operation of the commercial element of the development. Noise emission design targets have therefore been recommended (on page 44 of the report) and these have been designed to achieve 10dB(A) below background noise levels. Environmental Health consider this satisfactory and in accordance with their standard/usual requirements.

M4(2) and M4(3) – Accessibility

- 8.83 Policy DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015) requires all new dwellings to be accessible and adaptable to meet the Building Regulations M4(2) standards and requires 10% of the units (56 units) to meet the Building Regulations M4(3) wheelchair compatible requirements. Lifts are proposed. The plans show that 56no. units would be Building Regulations M4(3) compliant. The remainder would be Building Regulations M4(2) compliant. This can be secured by condition. Only 16 parking spaces are DDA (Disability Discrimination Act) compliant. This is due to the fact that the parking area available is limited and the ratio of parking as discussed in the relevant section is significantly below 1 to 1. Consequently, the availability of parking to begin with is restricted. This represents a less positive aspect of the scheme which needs to be weighed into the overall planning balance.

Land Contamination

- 8.84 The Phase I Preliminary Risk Assessment by Geocon Site Investigations Ltd dated August 2023 (Ref GSI 1935 LD PI Report V3) has been reviewed by Environmental Health. The methodology and findings are accepted. The assessment identifies the site as 'Low' risk and this is agreed with. There is no requirement for any further site investigation or intrusive sampling. A condition is recommended to ensure that further details are submitted to the LPA

in the eventuality that any contamination were found.

Summary

- 8.85 Overall, subject to the described conditions, the proposal would provide an acceptable standard of accommodation and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 8.86 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.

Daylight/Sunlight Impacts

- 8.87 The application is accompanied by a Daylight and Sunlight Assessment, an Addendum and plans prepared by Daylight Sunlight Consulting Ltd. which provide an assessment of the potential impact of the development on daylight and sunlight to neighbouring residential properties based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'. The findings of these documents have been carefully reviewed by the Council's appointed light expert.
- 8.88 Assessment took place of units within 1-11 Alexandra Court, 15-25 Alexandra Court, 13-15 London Road, 1-62 Elizabeth Tower and the units (floors 2-14) within the southern elevation of the adjacent Victoria Central development. On account of its proximity, Victoria Central is the neighbouring building with the potential for the greatest impact.
- 8.89 Victoria Central lies to the immediate north of the application site and is a 14-storey high residential development comprising a series of flats of which those on the southern side have their main openings facing towards the application site. A separation distance of some 15m would be retained from the (nearest) north facing wing of the proposal.
- 8.90 The assessment shows that there are some daylight and sunlight reductions for neighbouring windows within this elevation in excess of the BRE guidelines. The extent of the impact is outlined below.

Victoria Central Vertical Sky Component (VSC) test

- 8.91 The VSC test assesses the amount of daylight obtained at the centre point of the external plane of a window. The guidelines state the following:

"If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the vertical sky component with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building would notice the reduction in the

amount of sky light."

8.92 Of the 257 windows tested; 127 would adhere to the BRE guidelines, either by obtaining VSC levels of 27% or higher, or obtaining ratio reductions of 0.8 or higher. The windows tested within Victoria Central are a mixture of bedrooms and living areas, with the split being roughly two-thirds bedrooms and a third living areas. The plans associated with the assessment of this matter have been submitted and have been considered as part of this application.

8.93 The assessment argues this result is exacerbated owing to the Victoria Central development having been built so close to the shared boundary, the placement of balconies above habitable room windows and the recessing of some of the bedroom windows. This view is reaffirmed by the report presented to the Council's Development Control Committee for the application at Victoria Central with reference 18/02151/FULM. In that report it was stated:

"Daylight and Sunlight for Future Occupiers

4.67 The plans show that all habitable rooms will be provided with sufficient windows and openings to provide adequate ventilation and outlook. A Daylight and Sunlight Assessment has been submitted to assess the standards of light within the proposed dwellings. This document concludes that a high percentage of rooms would meet or exceed the recommendations of the BRE guidelines. The consultant considers this to be a good result for a large development in an urban environment.

4.68 The study also concludes that the majority of habitable rooms and kitchens (477 out of 610 (78%)) will either meet or exceed the Average Daylight Factor BRE targets. The report comments that the reason for the remaining rooms failing to reach this target is due in many cases to shadowing caused by a balcony. The shadow analysis within the report also confirms that the amenity spaces will meet the BRE guidelines in relation to sunlight for amenity spaces."

8.94 Given that the Victoria Central development has been built close to the shared boundary with Alexander House, it would be reasonable to compare the results of the VSC test with the mirror image; a theoretical assessment which considers what the results would be if a scheme with the same massing and separation distances from the shared boundary as Victoria Central was built on the application site, and how would this perform against the actual proposed scheme.

8.95 The BRE guidelines highlight that where buildings are located close to their site boundary, taking more than their fair share of light, that flexibility needs to be applied and a mirror-image approach can be considered. The applicant's consultant has therefore undertaken an assessment of the daylight and sunlight, first calculating the existing versus the proposed conditions. A mirror-image assessment versus the existing condition was also undertaken and then they make comparisons as to the levels of adherence between the proposed scheme and the mirror-image scenario. For the VSC test, the mirror-image assessment shows that of the 257 windows tested, 117 adhere to the BRE guidelines, so a lesser number of adherent windows than would result from the applicant's proposed development.

8.96 The applicant's assessment argues for the need for flexibility to be appropriately applied in inner-city contexts such as this, as is evidenced by the appeal for 'The Whitechapel Estate'¹.

¹ Appeal reference APP/E5900/W/17/3171437

In his decision to overturn that Local Planning Authority's reasons for refusal and to grant planning permission, the inspector commented on daylight and sunlight as follows:

"112. The figures show that a proportion of residual Vertical Sky Component ('VSC') values in the mid-teens have been found acceptable in major developments across London. This echoes the Mayor's endorsement in the pre-SPG decision at Monmouth House, Islington that VSC values in the mid-teens are acceptable in an inner urban environment. They also show a smaller proportion in the bands below 15%. Even if there were some discrepancy in the appellants' figures for this lower band at Whitechapel Central, which is disputed, the VSC outcomes for the appeal proposal would in general be very similar to those of the other major schemes. The appeal proposal would therefore appear to be in compliance with the LP as amplified by the SPG and as it is being interpreted by the Mayor. The GLA responses to the planning application did not raise any concern about neighbours' amenity."

"113. I acknowledge that a focus on overall residual levels could risk losing sight of individual problem areas. It is accepted that light is only one factor in assessing overall levels of amenity, but I consider that the trade-off with other factors, such as access to public transport or green space, is likely to be of more relevance to an occupier of new development than to an existing neighbour whose long-enjoyed living conditions would be adversely affected by new buildings. However, I also consider that Inner London is an area where there should generally be a high expectation of development taking place. This is particularly so in the case of the appeal site, where the WVM and the OAPF have flagged the desirability of high-density development. Existing residents would in my view be prepared for change and would not necessarily expect existing standards of daylight and sunlight to persist after development."

"125. I conclude that the proposal would result in some significant individual reductions in daylight and sunlight levels, but that this is almost unavoidable in achieving the policy requirement for high density development in a confined urban setting. The new buildings would for the most part be comparable in height with the existing and would re-define traditional street frontages. Retained levels of daylight and sunlight would be adequate and comparable with existing and emerging urban conditions. The effects would appear very comparable with those recently allowed by the Council at Whitechapel Central. There would be minimal adverse losses of outlook and increases in overlooking. Taken as a whole, the proposal would not result in unacceptably harmful effects on living conditions and would comply with the development plan in this respect."

- 8.97 As the VSC test only assesses daylight reaching the external plane of the window, this shows only the potential for light, rather than actual receipt. This is because much depends upon the size of the window, its relationship to the room, the size of the room, and whether there are other windows lighting the same room.
- 8.98 Therefore, where layouts are known, and as recommended by the BRE guidelines, the daylight distribution assessment (as discussed below) should be considered at the same time, reviewing both sets of results before forming an opinion on the overall effect on the occupants within the neighbouring property.

Victoria Central - Daylight Distribution Test (DDT)

8.99 The DDT establishes the amount of sky light entering a room at a working plane height of 850mm above floor level, plotting the 'no skyline' area in both the existing and the proposed. There is no test of adequacy in just the proposed condition, rather the reduction in light between the existing and proposed is assessed, and where light is reduced to less than 0.8 times its former value (the same as saying a 20% reduction), this would be noticeable to occupants. Ratio reductions of 0.8 or higher are considered not to be noticeable to the occupants within the rooms tested. The daylight distribution results for the proposed scheme show that of the 168 rooms tested, 61 adhere to the BRE guidelines, by obtaining ratio reductions of 0.8 or higher. For the DDT, the mirror-image assessment shows that of the 168 rooms tested, 65 adhere to the BRE guidelines, so a comparable number of rooms.

Victoria Central - Annual Probable Sunlight Hours (APSH)

8.100 Each window has been assessed in terms of the percentage of APSH, with the BRE guidelines suggesting at paragraph 3.2.6: "If a room can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. Also, if the overall annual loss of APSH is 4% or less, the loss of sunlight is small..."

8.101 Paragraph 3.2.7 of the BRE guidelines goes on to say: "Any reduction in sunlight access below these levels should be kept to a minimum. If the available sunlight hours are both less than the amount above and less than 0.80 times their former value, either over the whole year or just in the winter months (21 September to 21 March), and the overall annual loss is greater than 4% of APSH, then the occupants of the existing building would notice the loss of sunlight; the room may appear colder and less cheerful and pleasant..."

8.102 The APSH results show that of the 168 rooms tested, 103 rooms adhere to the BRE guidelines, obtaining sunlight levels in excess of the 25% APSH, of which 5% should be in winter months or obtaining ratio reductions of 0.8 or higher. The mirror-image assessment shows that of the 168 rooms tested, 100 adhere to the BRE guidelines, so a lesser number of adherent rooms than would result from the applicant's proposed development.

Victoria Central – Overall Discussion

8.103 Reviewing the submitted drawings for the daylight and sunlight impact on this neighbouring building, it is considered that 18 units between the 2nd and 7th floor would be severely impacted including on their main living area, 9 units on the 8th to 10th floor would be moderately impacted including on their main living area, and 9 units on the 2nd to 10th floor would experience minor impacts on their bedrooms. All these units were already experiencing light conditions that would not fully comply with the BRE guidelines.

8.104 The assessment of Victoria Central shows that there are inevitable daylight and sunlight reductions in some instances greater than the BRE guidelines. A large proponent of this is due to the Victoria Central development having been built so close to the shared boundary, the placement of balconies above that development's windows and its recessing of bedroom windows which has exacerbated the overall impact. The proposed development has sought to reasonably limit the additional massing adjacent to this neighbouring building whilst having due regard to the significant viability constraints of the scheme. When comparing the effects from

the mirror-image assessment, the proposed scheme allows for comparable levels (if not slightly improved) of daylight and sunlight.

8.105 The identified harm to neighbouring properties within Victoria Central represents a negative aspect of the development. As illustrated by the referenced appeal decision this matter necessarily involves elements of judgement. The Victoria Central development was approved on its individual merits and on the site circumstances prevailing at that time of that decision. It is not possible for a LPA to forecast with any certainty what may come forward for neighbouring sites at some future point and such proposals would, as here, equally fall to be considered on their individual merits. In as much as it would have been unreasonable to unduly fetter the opportunities for securing beneficial regenerative housing development on the Victoria Central site because of speculation as to what may come forward at a future point on the Alexander House site, it would similarly seem unreasonable to place undue expectations for the current Alexander House development proposal not to impact on Victoria Central within this high density central urban context. To that end staff recognise that relevance of the proposal's impacts on neighbours' day and sunlight being better than the mirror image impact would be. From that position it is then relevant to consider the public benefits of the development as a whole.

8.106 Given the prominent position of the application site and its gateway function in the setting of Victoria Avenue and Southend City Centre, the degree of enhancement to the exterior of the building together with the significant planting and public realm improvements is considered to represent a public benefit of at least modest weight. Beyond that, significant public benefits are associated with the provision of a very significant number of additional homes for the City against a background of significant need. Those combined public benefits and to which can be added further benefits such as the level of biodiversity net gain explained in other sections of this report are considered to clearly outweigh the harm caused by the development's impact with respect to daylight/sunlight levels to flats within Victoria Central such that relevant local and national policy objectives would be satisfied overall.

Other neighbouring properties

8.107 The daylight/sunlight assessment of the other neighbouring properties, namely 1-11 Alexandra Court, 15-25 Alexandra Court, 13-15 London Road and 1-62 Elizabeth Tower have demonstrated that the occupants would not experience noticeable reductions in daylight or sunlight.

Overlooking

8.108 In order to prevent any significantly harmful overlooking of the adjacent units within Victoria Central, the internal layout of the proposed 'Street East' wing has been designed to ensure that a façade with no balconies and no primary habitable room windows faces onto Victoria Central. Whilst secondary openings are proposed within the northern elevation of the 'Street East' wing, a condition can reasonably be imposed to ensure these windows are obscure glazed and non-openable.

8.109 Other north facing openings are proposed within the 'Pavilion West' wing. Owing to its position beyond the rear of Victoria Central, no direct views of neighbouring windows/balconies would

be possible. Moreover, a separation of some 18m (looking north-east toward the rear of Victoria Central) would be retained. Consequently, this arrangement is considered sufficient to preclude any significantly harmful overlooking and suitably maintain neighbour privacy.

- 8.110 There is potential for some overlooking to arise from the proposed roof terraces. A condition to require a privacy screen strategy is recommended and is considered sufficient to minimise the resultant impact.
- 8.111 Other neighbouring properties are farther away. Therefore, the impact from overlooking on them is negligible.

Outlook and sense of enclosure

- 8.112 The proposed building would also impact on the outlook and sense of enclosure for those residents of Victoria Central which face the development site owing to the increase in the size and scale of built form being proposed. This follows the provision of 2 additional storeys to the main building and new Street East and West Pavilion wings projecting toward Victoria Central. A 15m separation would be retained from the south facing neighbouring windows to the rear elevations of the proposed new wings, albeit it is acknowledged that the change in outlook for these residents would be significant.
- 8.113 The site is within an urban location and in this city centre context properties often outlook onto other buildings of a similar scale and height. The separation distances between the proposal and Victoria Central, along with proposed articulation of the proposed building form, are considered to mitigate to some degree the resultant effect on the sense of overbearingness and sense of enclosure. Similar to the findings in relation to the light conditions, the identified harm is considered to be significantly and demonstrably outweighed by the public benefits of the proposal.
- 8.114 There are no concerns in relation to overlooking or outlook and sense of enclosure for the other residential properties in the area which have a much greater separation distance than Victoria Central.

Noise

- 8.115 As noted above, a noise assessment was submitted with the application but did not consider the potential noise from the proposed class E uses which form part of the development. This aspect of the proposal has the potential to impact on neighbouring residents, in particular those within Victoria Central closest to the site.
- 8.116 The site is within a city centre location where mixed uses are expected and the proposed uses are acceptable in principle. It is therefore considered that this aspect of the proposal could be controlled by planning conditions limiting the noise emission to be no more than 10dB(A) below background noise levels and restricting development to be in Use Class E. It is also considered that noise from any outside dining proposed in future could be also controlled by conditions relating to hours of use. Subject to these conditions, this aspect of the proposal is considered to be acceptable and policy compliant.

8.117 A planning condition is also needed to require the submission of a construction management plan and to enable the Council to control the impact on neighbours arising from construction noise and other associated environmental considerations. Construction hours and details of external illumination of the building and landscaped area also need to be controlled by a condition to avoid harmful light pollution.

Conclusion on Impact on Neighbour Amenity

8.118 In the round, and subject to the described conditions, it is considered that the proposed development is acceptable and would comply with national and local planning policies in relation to neighbour amenity.

Traffic and Transport Issues

8.119 The NPPF states (paragraph 115) that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.”

8.120 Policy DM15 of the Development Management Document states: “Development would be allowed where there is, or it can be demonstrated that there would be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.” The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards. Residential vehicle parking standards may be applied flexibly where the development is proposed in a sustainable location with frequent and extensive links to public transport.

8.121 Assessed against the parking standards, the minimum car parking requirements for flats under Policy DM15 is one space per unit and one cycle parking space per unit. The commercial units are proposed to be in Class E Use. The current maximum commercial parking standards, as set out in Appendix 6 of the Development Management Document are determined based on the previous Use Class Order. The standards are different for shops, professional services, restaurants, offices, indoor recreation etc. which are now amalgamated into Use Class E. As such, the maximum parking spaces for the Class E commercial units proposed would vary from a potential maximum requirement of 1No space per 5sqm (restaurant use) to 1No space per 30sqm (business use). On that basis the commercial units would generate a maximum parking requirement of between 29 to 175 parking spaces (based on a total commercial floor space of 875sqm being delivered). It is stressed that these requirements are expressed as maximum, not minimum figures. This is notwithstanding that the existing lawful office use of the building would have generated a notional maximum parking demand in excess of 700 car parking spaces.

8.122 Policy PA8 of the SCAAP requires new development in this section of Victoria Avenue to fully integrate with the surrounding area through the provision of pedestrian and cycling routes, to improve access and linkages.

Access Arrangements

Vehicular

- 8.123 The four existing vehicular accesses to the site are proposed to be removed and a new vehicular access to the new on-site car park is proposed to be provided at the northern end of the Baxter Avenue site frontage. This arrangement is considered acceptable and a condition would be imposed requiring re-instatement of the redundant vehicular accesses.
- 8.124 For servicing and delivery, lay-bys are proposed along both Baxter Avenue and Victoria Avenue. The Baxter Avenue lay-by would be a new feature, measuring in excess of 30m deep and some 2.5m wide – whereas the Victoria Avenue lay-by exists at present and is in use as a taxi waiting area. As a matter of principle, Strategic Highways colleagues have not objected to this arrangement subject to the securing of financial contributions to help facilitate this change and also, to improve other taxi waiting areas around the city. Details are outlined within the S106 Heads of Terms below.

Pedestrian

- 8.125 Pedestrian accesses to the building would be provided for each of the five residential wings on site; City East, City West, Street East, Pavilion East and Pavilion West. These entrances can be used by residents as a route for moving furniture or to bring shopping in and out to their particular part of the building when required, whereas the main communal lobby entrance can be used day-to-day by all residents. This arrangement is considered acceptable subject to condition to secure the details.

Cycle

- 8.126 Cycle access is proposed to be available through the pedestrian accesses discussed above with the exception of the main lobby access (secondary lobby access would be available) and the pedestrian access to the Pavilion East wing. In addition, bicycles can enter the building via the main vehicle entrance at the back. The proposal would introduce a shared surface for pedestrians and cycles on the western side of the 'Pocket Park'. This will connect to the existing shared surface on the Queensway and Victoria Avenue frontages and, farther north on Victoria Avenue, to the cycle lane of Cycle Network 53. The existing infrastructure within the site will be re-provided with the relevant resurfacing to ensure there is consistency in the materials used throughout the site. These arrangements are considered acceptable subject to conditions to secure their detailing.

Emergency Access

- 8.127 Fire tender emergency access would be either via the lay-by area to the west on Baxter Avenue, or, if the lay-by is occupied, the fire tender would park on the road. This would provide sufficient distance to the wet riser located in each stair core. This principle also applies to Victoria Avenue to the east. In an emergency, the fire tender would pull up on to the areas of hard landscaping to the front of the site if required. This arrangement is considered acceptable.

Provision of cycle and car parking

- 8.128 The proposals include 299 residential car parking spaces, 16 of which are Blue Badge spaces (5.3%). EV charging points are also proposed to be provided in line with the Council's SPD for

EV charging infrastructure.

- 8.129 The parking capacity equates to 0.5 spaces per unit which is below the policy requirement. In justifying the case for reduced parking provision, the Transport Assessment demonstrates that the location of the site is such that it benefits from excellent public transport provision, inclusive of both Southend Central and Southend Victoria rail stations and the Southend Victoria Bus Interchange which are within walking distance. Moreover, the proximity to the city centre and the local amenities contained there is also such that this would result in a reduced need for residents to own and run a private car.
- 8.130 The Transport Assessment also provides Census Data (2021) analysis (at Table 2.2 of the Transport Assessment) which shows that occupants of flats in the core Southend Central Area own around 0.5 cars per household. When this is applied to the development, there is predicted to be around 278 cars owned by the residents within the 557-unit scheme.
- 8.131 Of relevance to the assessment also is the provision of 33 residents' lounges spread across the development (2 per floor) which would facilitate remote working requirements as well as the provision of 3 car club parking bays, to be run in association with Enterprise Rent-a-Car. The car club measures are set out in the Travel Plan submitted with the planning application but in short, would enable residents to reserve cars via a mobile application, online or by phone in advance or at the last minute to serve their needs on a day-by-day basis. The three car club bays will be secured with a condition prior to first occupation of the development but the operation of car club vehicles will commence in accordance with terms of the S106 legal agreement which will require the first car club vehicle to be useable at the site prior to first occupation of the 20th residential unit, the second vehicle prior to first occupation of the 250th unit and the third vehicle prior to first occupation of the 500th unit.
- 8.132 On this basis, it is considered that 278 car parking spaces for residents, with a further 21 spaces assigned for visitor parking (299 car parking spaces in total) is an acceptable level of provision of residential car parking in this highly sustainable location. This level of provision is supported by the Council's Strategic Highways team. As noted, EV charging points would be provided in line with the SPD for EV charging points and a condition would be imposed to ensure this is delivered.
- 8.133 The commercial element of the proposal at ground floor would be car free. On the basis of the sustainable location of the site and the proximity to a number of public car parks, there are no objections to this arrangement.
- 8.134 To control potential spillage into adjacent roads, the applicant acknowledges that future residents would not be eligible for a town centre / residential parking permit. An informative would be added.
- 8.135 Parking Management Measures to be put in place for the site to control parking are set out in the Car Parking and Delivery & Servicing Plan. A summary of the management measures is set out below and can be conditioned:
- The car park would be barrier controlled to prevent unauthorised access and security measures would be installed;

- Management of the car parking spaces would be the responsibility of Comer Homes. Contact details would be provided to all residents;
- Vehicular access to the parking area would only be possible to residents who are allocated a car parking space consequently these residents would possess a key fob or key code to prevent unauthorised use. Should the area be used by unauthorised users the key fob or key codes would be reprogrammed to ensure this no longer occurs;
- Wheelchair accessible units would be allocated a blue badge space per unit and the electric vehicle charging bays would be allocated on demand. All spaces would be clearly marked for use by the designated users; and
- Resident parking permits would be issued on an annual lease basis to allow parking demand to be reviewed and monitored annually to incentivise the uptake of sustainable modes of travel.

8.136 With regards to cycle parking, the commercial floor space has a requirement for 6 staff cycle spaces and 6 customer cycle spaces. This comprises 2 cycle spaces for staff and 2 cycle spaces for customers associated with the retail units (512sqm), and the cafes (363sqm) require 4 cycle spaces for staff and 4 cycle spaces for customers.

8.137 The residential use requires the provision of 557 cycle parking spaces in secure and covered stores on-site. The flats are shown with 1 cycle space per unit equating to 557 spaces and would be provided in designated stores at first floor. 12 visitor cycle spaces (6 internal and 6 external) are also proposed.

8.138 The level of cycle use is not anticipated to be high at the Alexander House site as an extensive range of local facilities are within a 10-minute walk (800m) and the site is opposite a railway station and bus interchange. The Census data supports this assumption with just 2% of residents using a bicycle as a mode of travel to work. The cycle parking is in accordance with the Council's parking standards. Active Travel England advised that provision must be made for larger cycle parking. It is considered that whilst this is not a policy requirement, a condition to require details seeking to provide some larger cycle parking bays can be imposed.

Impact on highway network

8.139 TRICS data is contained within the Transport Assessment. The residential trip generation assessment demonstrates there would be a change in the pattern of movements at the site. This is estimated in the Table below:

Table 4: TRICS data - extract from the Transport Assessment

Mode	Morning Peak Hour		Evening Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Cycle	2	6	4	2
Walk	18	64	46	38
Bus	7	46	30	5
Train	1	32	22	1
Vehicle Occupants	31	110	121	71

*Trip rates associated with Queensway have been used to establish the resultant peak hour trips

8.140 Under this assessment the residential part of the development would generate 141 vehicle

occupant trips during the morning highway network peak hour and 192 vehicle occupant trips in the evening peak hour. The majority of rail trips associated with the residential use would be before the morning peak hour and after the evening peak hour as most passengers would be travelling to/from London for commuting purposes.

8.141 The Predicted Peak Hour Trips for the Total Development (Commercial and Residential Uses) has also been calculated and this is contained below;

Table 5: Peak hour trips - extract from the Transport Assessment

Mode	Morning Peak Hour		Evening Peak Hour	
	Arrivals	Departures	Arrivals	Departures
Cycle	2	6	4	2
Walk	77	158	282	234
Bus	25	48	35	9
Train	1	32	22	1
Vehicle Occupants	40	115	121	73

8.142 For service vehicles attending the site, the Transport Assessment shows that the peak time for deliveries is between 8am and 9am when 2 Other Goods Vehicles (OGVs) and 6 Large Goods Vehicles (LGVs) are predicted to visit the site.

8.143 The proposal includes space for 1 OGV and 3 LGVs at any one time within the delivery lay-bys proposed along both Baxter Avenue and Victoria Avenue and all loading bays are individually accessible. This means that the delivery arrangements are considered to be capable of catering for the needs of the development as the dwell time for deliveries would be short. A Traffic Regulation would be put in place to restrict duration of stay for loading activities to ensure the spaces are used efficiently.

8.144 The vast majority of refuse collection is to occur from Baxter Avenue under a managed scheme for the residential development. Only commercial refuse collection would take place from the Victoria Avenue site frontage. The submitted details about delivery and servicing set out within the submitted Car Parking and Delivery and Servicing Plan by YES Engineering Group Ltd. [September 2023] are considered acceptable and can be conditioned.

8.145 It is considered that the applicant has provided a robust transport statement to support the application, including sustainable travel options, TRICS analysis and census data. The proposal's parking, traffic network and highway safety impacts are found acceptable on this basis. Highways have reviewed the Transport Assessment and raise no objections subject to the imposition of the conditions discussed above.

Travel Plans

8.146 The applicant has provided Commercial and Residential specific Travel Plans to encourage the use of sustainable forms of transport for residents and visitors to the site. The Plans include real SMART targets and measurable goals for the progress of the Travel Plans to be assessed as part of a 5-year commitment to engage with the Strategic Highways team.

8.147 Some of the measures proposed include:

	Measure	Actions	Timescale	Responsibility
1	Appoint TP Co-ordinator (TPC)	Comer Homes Group will appoint an appropriate member of staff to act as the TPC. Residents will be made aware of the TPC.	At least 1 month prior to occupation	Comer Homes Group
2	Travel Pack	Providing information on Public Transport, to and from the site to residents keeping it up to date.	On occupation	TPC
3	Providing information on safe pedestrian routes to Public Transport	A plan of pedestrian routes around the development will be displayed within the reception/lobby areas of the flats.	On occupation	TPC
4	Identifying safe cycle routes around the development and keeping it up to date	A plan of cycle routes will be provided within the Travel Pack for residents.	On occupation	TPC
5	Set Up a Car Sharing Database	TPC will encourage residents to car share through promotion within the Travel Pack and possibly set up a car sharing database	Within 1st year of occupation	TPC
6	Steering Group	Establish a stakeholder and residents Steering Group which can feedback to the TPC.	Within 1 year of occupation	Stakeholders/ residents
7	Car Club	The TPC will promote the use of Car Clubs. A five-year membership with Enterprise will be provided to all new residents with a £50 drive time voucher	On occupation	TPC
8	Parking and Deliveries	The measures set out in Section 2.2 will be provided prior to occupation and monitored	On Occupation and Monitoring Years 1, 3 and 5	TPC/ Comer Homes Group

- 4 x travel cards for use on local buses valid for 2 weeks;
- 4 x season tickets for use on c2c or Greater Anglia train lines valid for 1 week;
- Free car club membership valid for 1 year;
- 10 car club driving hours for those eligible.

8.148 Following review and continued discussion, the Council's Strategic Highways Team and Active Travel England are generally supportive of the Travel Plans consider that the SMART targets are not ambitious enough. It has been agreed however that outstanding concerns in those regards can be appropriately addressed and dealt with by conditions with monitoring of the Travel Plans to be included within the S106 Legal Agreement.

Relationship with London Southend Airport (LSA)

8.149 The application site is at present the tallest structure in the immediate vicinity. During the construction period, due to the use of cranes, it is possible that cranes would operate higher than the maximum height of the proposed building. LSA have been notified and raise no objections subject to conditions limiting the maximum height of the development to 87.17m (AOD).

8.150 An informative is recommended as requested by LSA so that the applicant is advised to notify them of crane use prior to commencement of construction works. A maximum height condition

and a condition to limit the installation of telecommunication masts or other apparatus at the top of the building are also recommended.

Conclusion on Transport

8.151 Overall, there would be no significant harm caused to the parking conditions, traffic or highway safety of the area. Subject to the described conditions, the proposal is acceptable and policy compliant in the above regards.

Air Quality

8.152 Paragraph 180 of the NPPF states “Planning policies and decisions should contribute to and enhance the natural and local environment by...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability.”

8.153 An Air Quality Assessment has been submitted in support of the application which assesses the impact of road traffic emissions from the adjacent road network on the proposed development. Concentrations of NO₂ and fine particulate matter, the key air pollutants associated with road traffic, have been predicted at the façades of the proposed development and compared with air quality assessment levels based on the air quality objectives set by the Government to protect human health.

8.154 The Assessment concludes that pollutant concentrations at the development façade are predicted to be below the air quality objectives at the worst-case locations assessed. Air quality conditions for future residents would, therefore, be acceptable. The impact of the proposal on road traffic emissions is also considered negligible and other than the implementation of the Travel Plans (commercial and residential), no other mitigation measures are proposed in this regard.

8.155 The assessment has also considered demolition, construction, and operational phase impacts and concludes that air quality levels are within the Air Quality Assessment Levels (AQAL) for future occupants at the proposed site and the development itself is unlikely to result in any detrimental impact on air quality levels in the area subject to normal construction management practice which is the only mitigation proposed in this regard.

8.156 Environmental Health officers have reviewed the assessment and agree with the findings. The proposed mitigation measures are matters which can be controlled with the appropriate conditions and planning obligations. As such, the proposal is acceptable and compliant with the relevant planning policies in this regard.

Fire safety

8.157 The required form and assessment have been submitted with the application and reviewed by the Health and Safety Executive (HSE). HSE raised initial concern regarding retention of ‘scissor’ stairs to be used as fire-fighting stairs. However, since then, internal changes to the configuration of the stairwells have been made. HSE note that the new proposal includes the fire-fighting shafts designed according to British Standard BS9999:2017 recommendations.

Also, a sufficient number of fire-fighting shafts are proposed, such that the maximum hose laying distance is achieved. The access to the fire-fighting shaft also appears compliant with fire safety standards recommendations, by way of protected corridor which does not exceed 18m in length.

- 8.158 The whole building would be served by five fire-fighting shafts and every storey would be served by at least two fire-fighting shafts, including Level 16 and Level 17 (connected by means of external walkway). Each fire-fighting shaft contains: a fire-fighting stair, a fire-fighting lift and a wet riser.
- 8.159 Following a review of the amended information provided, HSE is content with the fire safety design and no further objections are raised. This is acceptable and policy compliant. A condition is recommended to ensure the development is constructed in accordance with the submitted report.

Wind Microclimate

- 8.160 The application has been supported by a Microclimate Assessment in which future conditions were assessed using high resolution Computational Fluid Dynamics (CFD). The report confirms that the proposed development would have a beneficial wind impact on the surrounding area, eradicating a pre-existing region of wind safety risk on Queensway; and making conditions for the entrance to the Southend Central Museum and Planetarium suitable (having been unsuitable in the baseline conditions). This is due to the altered shape of the building with more façade articulation which reduces the canyon effect.
- 8.161 Wind comfort conditions would be suitable for the intended use, for all thoroughfares and proposed entrances. The proposed landscaping scheme was included in the model and was sufficient to achieve suitable conditions for the proposed ground level amenity and all proposed terraces.
- 8.162 Modified balcony balustrades were included on the western elevation of the balconies on the south-west corner of the City West and Pavilion East buildings. These were designed to be 50% porosity and were set at 1.1m tall for the City West building and 2.4m tall for the Pavilion East building. With these included, all balcony conditions would be suitable. The 2.4m balustrade, given its perforated design and location on the secondary, flank side of the balcony would not result in unacceptable impact to the living conditions of future occupiers in other regards.
- 8.163 The proposed development is not considered to adversely affect its surroundings in terms of microclimate, wind turbulence and glare. The proposed development is acceptable and policy compliant in this regard.

Energy and Water Sustainability

- 8.164 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. [...] All new development that creates additional residential and/or commercial units, should be energy and resource efficient by incorporating [...] requirements” such as “Water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures would include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting”

- 8.165 The planning application is supported by an Energy Statement prepared by MKP Consultants. The energy strategy describes how the development would reduce emissions by incorporating a range of passive design and energy efficiency measures, including improved building fabric standards beyond the requirements of Part L of the Building Regulations and energy efficient mechanical and electrical plant.
- 8.166 A number of low-carbon technologies were considered. The analysis considered Exhaust Air Heat Pumps (EAHP) as the most suitable and appropriate measure to be installed due to spatial constraints on the flat roof to accommodate PV panels.
- 8.167 Whilst positive elements of the development, calculations have not been provided at application stage to demonstrate the 10% renewable energy requirement. This can reasonably be dealt with by way of condition. Restrictions on water consumption (to less than 110lpd) can also reasonably be dealt with by way of condition.

Waste Management

- 8.168 An Operational Waste and Recycling Management Strategy has been submitted with the proposal. The Strategy states that the proposed development is estimated to produce some 138,590 (L) of waste from all land uses (including residential and commercial) per week, equating to approximately 859 tonnes per year.
- 8.169 The proposed development would comprise of 5 cores including Pavilion West, City West, City East, Pavilion East, and Street East. To manage waste and recycling material arising from the residential units of the proposed development, a total of 4 conventional bin stores have been provided. All residential bin stores have been designed based on a weekly collection frequency. These include a combined bin store for City West and City East cores on Level 00, a separate bin store for Pavilion East core on Level 00, a separate bin store for Pavilion West core on Level B1 and a separate bin store for Street East core on Level B1. The capacity of the waste storage arrangements is as follows:

Table 6: Capacity of waste storage areas

Area	Waste	Food	Recycling	Total
Pavilion West	8 × 1,100 L	7 × 240 L	12 × 1,100 L	7 × 240 L 20 × 1,100 L
City West and City East	28 × 1,100 L	22 × 240 L	42 × 1,100 L	22 × 240 L 70 × 1,100 L
Pavilion East	6 × 1,100 L	5 × 240 L	9 × 1,100 L	5 × 240 L 15 × 1,100 L
Street East	3 × 1,100 L	3 × 240 L	5 × 1,100 L	3 × 240 L 8 × 1,100 L

*Extract from the submitted “Operational Waste and Recycling Management Strategy”

- 8.170 Apart from the three residential units of Pavilion East core, all residential units are within 30m distance to their respective bin stores in accordance with the Council’s requirements. The distance from three residential units of Pavilion East core to their bin store slightly exceeds the 30m limit (i.e., by approximately 9m), however, as the bin store for Pavilion East is on the route to the car park located on Level 00, the residents of these three units would need not go out of their way whilst exiting the building to access the bin store, thus, creating no additional disturbance whilst using the bin store.
- 8.171 The residents of all cores would be given direct access to their respective bin stores, which they would access via lifts. This would allow the residents to segregate and deposit their waste and recycling material into the correct bins.
- 8.172 Prior to the day of collection, the building management team would directly transfer the bins from the bin stores for City West, City East and Pavilion East core to the bin holding area (i.e., located on Level 00).
- 8.173 A bin presentation area has also been provided on Level 00, which is within 10 m distance to the refuse collection vehicle (RCV) stopping point. Prior to the collection, the building management team would move all the bins from the bin holding area to the bin presentation area, from where they would be collected and emptied into the RCV by the council’s collection operatives. Once all the bins are emptied and returned to the presentation area by the council’s collection operatives, the building management team would return these bins back to their respective bin stores. Residential Waste collection would take place from Baxter Avenue.
- 8.174 Commercial / retail units would either take their waste externally to the commercial refuse store, or internally via the service corridors.
- 8.175 On the day of collection (or as agreed), the collection operatives would access this bin store and collect the bins. Once emptied, the collection operatives would return the bins back to the commercial bin store. Commercial waste and recycling material would be collected from a different collection point (i.e., adjacent to the City East core). Commercial waste collection would take place from Victoria Avenue.
- 8.176 The waste storage and collection arrangements are considered to be in accordance with the Council’s requirements and are acceptable.

Flood Risk and Drainage

- 8.177 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate Sustainable Drainage Systems (SuDS) to mitigate the increase in surface water runoff, and, where relevant, how they would avoid or mitigate tidal or fluvial flood risk.
- 8.178 The site is within Flood Zone 1, the lowest risk zone, so is sequentially preferable for residential development. A Drainage Strategy has been submitted with the application which demonstrates that the proposed development would not result in an increase in runoff or flood risk off-site, and that the development would incorporate sustainable urban drainage measures to reduce surface water runoff. This has been found sufficient by the LLFA for this stage of development. Additional detailed information is required and can be secured by a planning condition.
- 8.179 Subject to conditions, the development is acceptable and policy compliant in the above regards.

Ecology, Biodiversity Net Gain (BNG) and RAMS

- 8.180 The NPPF (Para. 170) promotes biodiversity net gains including by the establishment of coherent ecological networks. Policy CP4 of the Core Strategy requires development proposals to enhance and complement prevailing natural assets, protecting and enhancing biodiversity values of an area.
- 8.181 The NPPF (Para. 175) states that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.182 As the application was submitted before the relevant BNG legislation was introduced, achieving a 10% net gain is not a policy requirement for this application. Instead, in line with the policy position at the time of submission the proposal is required to achieve no net loss of biodiversity. Hence any net gain in biodiversity value is considered an above policy provision and a benefit of the proposal that needs to be given the appropriate weight in the planning balance.
- 8.183 BNG calculations using the Biodiversity Metric 4.0 (April 2023) have been undertaken for the proposed development. The report concludes that the current proposed scheme is successful in achieving an increase of on-site biodiversity of 17.17% and satisfying all the rules required by the metric. This is a noteworthy positive of the scheme which goes well above the required standard as well as the stricter requirement even if it is not applicable here. This should be given the appropriate weight in the planning balance.
- 8.184 In addition to the landscaping strategy outlined above, inclusive of the new 'Pocket Park' and significant tree planting, a series of green roofs are proposed across the scheme which would improve the ecological value of the site and wider area by providing a range of habitats. A mix of wildflower and sedum planting at roof level would materially and substantially increase biodiversity at the site. The species mix would be determined at the next stage of development

and informed by ecological input to ensure maximum ecological value and robustness. Nonetheless, in the first instance, Exterior Architecture have designed the draft proposals with shading and exposure in mind so that species are suited for their locations. An appropriately worded planning condition would ensure a long-term commitment to maintain the quality of the proposed landscaping.

- 8.185 A Preliminary Ecological Appraisal (PEA) has been undertaken. The PEA confirms that there are no overriding ecological constraints to the proposed development. The site has negligible value for roosting bats due to an absence of suitable roost features, and there are no habitats on the site which could be used by bats for foraging or commuting. Recommendations have been provided to ensure nesting birds are protected during the works with enhanced nesting opportunities provided as a part of the completed development. An Ecological Management Plan (EMP) is recommended to be produced and implemented for the site providing greater detail on the ecological landscaping features selected, and to ensure they retain their ecological benefit in the long term. This can be secured by planning condition.
- 8.186 The impact assessment demonstrates the significant enhancements that the proposed development would bring to the site and wider biodiversity network in line with the expectations of national and local planning policy. The proposed development is therefore considered acceptable in the above regards.

RAMS

- 8.187 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 £163.86 (index linked) is paid per dwelling unit. This would be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment would be secured via the S106 legal agreement. The proposal is therefore considered to be acceptable and policy compliant in this regard.
- 8.188 Overall, it is considered that, subject to securing the implementation of the enhancement measures as proposed, and the securing of the RAMS payment via the S106 agreement, the proposal is acceptable in terms of biodiversity and ecological impacts and is policy compliant in this regard.

Planning Obligations

- 8.189 Paragraph 57 of the NPPF states that: "Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms

- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.”

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

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

8.192 Core Strategy Policy KP3 requires that: “In order to help the delivery of the Plan’s provisions the Council will:

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

- a. roads, sewers, servicing facilities and car parking;
- b. improvements to cycling, walking and passenger transport facilities and services;
- c. off-site flood protection or mitigation measures, including sustainable drainage systems (SUDS);
- d. affordable housing;
- e. educational facilities;
- f. open space, ‘green grid’, recreational, sport or other community development and environmental enhancements, including the provision of public art where appropriate;
- g. any other works, measures or actions required as a consequence of the proposed development; and
- h. appropriate on-going maintenance requirements.”

8.193 The following heads of terms for planning obligations have been agreed with the applicant:

Table 7: Agreed Head of Terms

	Head of Term	Details
1	Education	<ul style="list-style-type: none"> • Secondary education contribution of £317,897.67 towards improvements to Southchurch Academy or other nearby secondary school as required
2	Affordable Housing	<ul style="list-style-type: none"> • 56 units (33 1xbed, 19 2xbed, 4 3-beds) in shared ownership = 10% on-site provision and agreement to a Late-Stage Viability Review Mechanism with a cap of £8,692,315.36 for a financial contribution in lieu of on-site affordable housing provision.
3	RAMS Ecology Mitigation	<ul style="list-style-type: none"> • £163.86 per unit (557) = £91,270.02

4	Highways	<ul style="list-style-type: none"> • Residential and Commercial Travel Plans and Provision of Travel Information Packs to all residents which will include at least: <ul style="list-style-type: none"> ○ 4 x travel cards for use on local buses valid for 2 weeks; ○ 4 x season tickets for use on c2c or Greater Anglia train lines valid for 1 week; ○ Free car club membership valid for 1 year; ○ 10 car club driving hours for those eligible. • Travel Plan monitoring fee of £8000 per year for 5 years. (£4000 each for both the Residential and Commercial Travel Plans) • £4,000 contribution to provide taxi rank enhancements across the city. • £2,000 contribution for taxi rank conversion works. • £45,000 contribution to improve / refurbish existing bus stop infrastructure including real time information infrastructure at Victoria Gateway. • Agreement to provide 1 Car Club vehicle at the site prior to first occupation of the 20th residential unit, 2 Car Club vehicles prior to first occupation of the 250th unit and 3 Car Club vehicles prior to first occupation of the 500th unit.
5	S106 Monitoring Fee	Maximum £10,000.00

Affordable Housing

8.194 Policy CP8 seeks an affordable housing provision of 30% for major residential proposals of 50+ dwellings which should be split 60:40 between affordable rented and shared ownership units. Were it to apply here, a policy compliant provision would be 168 dwellings.

8.195 The application would provide 56 on-site affordable housing units in shared ownership (10% provision) and therefore would not meet the local policy requirement set out above. A financial viability assessment (VA) has been submitted to justify the proposed provision.

8.196 The VA concludes that the viability position is such that in reality, it could reasonably be justified that no affordable housing be delivered on the site owing to the Developer's Return of just 8.9% on Gross Development Value (typically this is between 15%-20%) however, the applicant is sensitive to the need for low-cost home ownership for people in the city. The applicant would take responsibility for managing and maintaining the 56 affordable units through its registered provider, Dovepark.

8.197 The Council has had this document independently reviewed by BNP Paribas which verifies that the scheme cannot support any additional affordable housing in excess of the 56 units. BNP Paribas note that the scheme generates a deficit even without a Benchmark Land Value being factored into the assessment. The under delivery against the local policy requirement in this

case is therefore justified. The applicant has also agreed to include a late-stage viability review mechanism in the S106 legal agreement. This is to determine whether the viability position of the development would have changed and therefore whether a contribution can then be made towards affordable housing. If found to be viable at that later stage, 60% of any surplus would be paid to the Council as the affordable housing contribution for the scheme.

NHS Contribution

8.198 The Council's Supplementary Planning Document 2: Planning Obligations, confirms that funding for potential primary healthcare care is addressed through the Council's Community Infrastructure Levy (CIL), so such funding for the NHS could be secured via CIL funding rather than planning obligations under S106. The NHS has not made any case for exceptional circumstances which would justify any additional contribution to the NHS via the S106 process and beyond the provisions of CIL. A planning obligation for this matter would fail the relevant tests and cannot be imposed.

Community Infrastructure Levy (CIL)

8.199 This application is CIL liable and there would 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 approximately 39,058sqm of residential floor space and 875sqm of commercial floor space, which may equate to a CIL charge of approximately £1,043,129.732 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount. Since part of the development would be for affordable housing the applicant can apply for an exemption for those areas.

Summary on Planning Obligations

8.200 The contributions in Table 7 above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 agreement is currently being prepared but at the time of report preparation has not been formally agreed or completed. The recommendation of this report seeks this committee's approval subject to entering into and then the completion of this agreement.

Equality and Diversity

8.201 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report which notes the inclusion of 56no. Building Regulations M4(3) compliant wheelchair accessible units had

careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended would not conflict with the Council's statutory duties under this legislation.

Conclusion and Planning Balance

8.202 Having taken all material planning considerations into account, it is found that subject to compliance with the recommended conditions and the completion of a S106 legal agreement for the relevant matters, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development, including the provision of a tall building, the use of this land for a housing-led mixed-use development, the housing mix and flood risk are acceptable. The proposed design and scale of the development would have an acceptable impact on the character and appearance of the site, the streetscene, the wider surrounding area and heritage assets. The development would contribute to regeneration within the city centre at this gateway location. The proposal would provide an acceptable standard of accommodation for new occupiers. There would be no significant harmful traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability and ecology and would uplift the site's contribution to local biodiversity. It is acknowledged that there is a negative impact on amenity of neighbours within Victoria Central with regards to daylight and sunlight however for the reasons outlined above, this negative impact is considered to be clearly outweighed by the combined benefits of the proposal.

8.203 The proposal has been found by officers to be acceptable in all relevant regards and is recommended for approval on its individual merits subject to the completion of a S106 legal agreement and conditions. Should Members identify any areas of harm, including those areas where judgement has been exercised in this report, and should they reach a different conclusion from officers on those individual considerations, then this needs to be balanced against the public benefits of the proposal including as identified within the body of the report. When assessing any harm identified, it is necessary to demonstrate that, in reaching a decision, an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm.

8.204 As discussed in the Principle of Development section of this report, due to the results of the HDT and the 5YHLS figure, the presumption in favour of sustainable development is engaged. The test set out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole. Following assessment, the proposal has been found by officers to be acceptable in all relevant regards.

9 Recommendation

- a) **That the Council enter into a Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**
- 1 Education - Secondary education contribution of £317,897.67 towards improvements to Southchurch Academy or other nearby secondary school as required.**
 - 2 Affordable Housing – 56no units (33no x 1-bed, 19no x 2-bed, 4no x 3-beds) in**

shared ownership plus a Late-Stage Viability Review Mechanism with a cap of £8,692,315.36 for a financial contribution in lieu of on-site affordable housing provision.

3 Ecology Mitigation - RAMS contribution of £163.86 per unit – 557 x £163.86 = £91,270.02.

4 Highways:

- Residential and Commercial Travel Plans and Provision of Travel Information Packs to all residents which will include at least:
 - 4 x travel cards for use on local buses valid for 2 weeks;
 - 4 x season tickets for use on c2c or Greater Anglia train lines valid for 1 week;
 - Free car club membership valid for 1 year;
 - 10 car club driving hours for those eligible;
- Travel Plan monitoring fee of £8000 per year for 5 years. (£4000 each for both the Residential and Commercial Travel Plans);
- £4,000 contribution to provide taxi rank enhancements across the city;
- £2,000 contribution for taxi rank conversion works;
- £45,000 contribution to improve / refurbish existing bus stop infrastructure including real time information infrastructure at Victoria Gateway;
- Agreement to provide 1 Car Club vehicle at the site prior to first occupation of the 20th residential unit, 2 Car Club vehicles prior to first occupation of the 250th unit and 3 Car Club vehicles prior to first occupation of the 500th unit.

5 S106 Monitoring Fee - Maximum £10,000.00.

b) That the Executive Director (Environment and Place), Director of Planning and Economy or Service Manager - Development Management and Enforcement be DELEGATED to GRANT PLANNING PERMISSION subject to the completion of the section 106 Agreement referred to above and subject to the conditions set out below provided any additional representations received up to the end of 31.10.2024 do not raise any new material considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination:

General conditions

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

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

02 The development hereby permitted shall be carried out in accordance with the following approved plans:

General proposed plans: AXH001-FAR-XX-XX-DR-A-90097 Rev A (Location); AXH001-FAR-XX-XX-DR-A-90098 Rev A (demolition plan); AXH001-FAR-XX-XX-

DR-A-03104 Rev A (proposed site plan)

Proposed floor plans: AXH001-FAR-ZZ-B1-DR-A-05099 Rev A; AXH001-FAR-ZZ-00-DR-A-05100 Rev A; AXH001-FAR-ZZ-01-DR-A-05101 Rev A; AXH001-FAR-ZZ-02-DR-A-05102 Rev A; AXH001-FAR-ZZ-03_11-DR-A-05103 Rev B; AXH001-FAR-ZZ-12-DR-A-05112 Rev A; AXH001-FAR-ZZ-13_15-DR-A-05113 Rev A; AXH001-FAR-ZZ-16-DR-A-05116 Rev A; AXH001-FAR-ZZ-17-DR-A-05117 Rev A; AXH001-FAR-ZZ-R1-DR-A-05118

Proposed sections and elevations: AXH001-FAR-XX-XX-DR-A-05201; AXH001-FAR-XX-XX-DR-A-05202; AXH001-FAR-XX-XX-DR-A-05203 Rev A; AXH001-FAR-XX-XX-DR-A-05204; AXH001-FAR-XX-XX-DR-A-05300; AXH001-FAR-XX-XX-DR-A-05301 Rev A; AXH001-FAR-XX-XX-DR-A-05302; AXH001-FAR-XX-XX-DR-A-05303 Rev A; AXH001-FAR-XX-XX-DR-A-05310 Rev A

Proposed details: AXH001-FAR-XX-XX-DR-A-09100; AXH001-FAR-XX-XX-DR-A-09101; AXH001-FAR-XX-XX-DR-A-09102; AXH001-FAR-XX-XX-DR-A-09103; AXH001-FAR-XX-XX-DR-A-09104; AXH001-FAR-XX-XX-DR-A-09105; AXH001-FAR-XX-XX-DR-A-09106; AXH001-FAR-XX-XX-DR-A-09107; AXH001-FAR-XX-XX-DR-A-09108; AXH001-FAR-XX-XX-DR-A-09109

Other Plans: 2318-ExA-ZZ-GF-DR-L-00100 Rev P04 (Ground Floor General Arrangement Plan); 2318-ExA-ZZ-ZZ-DR-L-00101 Rev P02 (Roof Terraces General Arrangement Plan); SK02 Rev C (Swept Path Analysis); 2149-KC-XX-YTREE-TCP01RevB (Tree Constraints Plan); 2149-KC-XX-YTREE-TPP01RevA (Tree Protection Plan);

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

Design related conditions

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground floor slab level shall take place unless and until full details and specifications of the materials to be used for all the external surfaces of the development at the site including finish and colour have been submitted to and approved in writing by the Local Planning Authority. The details requested include but are not limited to: face brick, roof detail, windows, doors, fascia and soffits, the colonnade/expressed column detail at ground level, wind screens needed to mitigate microclimate impacts, commercial shopfronts and approach to signage and parapet detail, residential entrance, reveals and window framing. The works must then be carried out in full accordance with the approved details before the development hereby approved is first occupied.**

Reason: In the interest of visual amenity in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM3, DM4 and DM5, Policy DS3 of the Southend Central Area Action Plan (2018) and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby**

approved, the maximum height of the development hereby approved shall not exceed 87.17m (AOD).

Reason: To avoid a significantly harmful impact on air traffic, in accordance with the National Planning Policy Framework (2023).

- 05** Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the building hereby approved. The operations are the installation of any structures or apparatus for purposes relating to telecommunications or renewable energy sources (that project beyond the highest point of the roof) or for any other purpose on any part the roofs of the buildings hereby approved, including any structures or development otherwise permitted under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any equivalent Order amending, revoking or re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to avoid a significantly harmful impact on air traffic, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM4 and DM5 of the Development Management Document (2015), Policies DS2, DS3 and PA8 of the Southend Central Area Action Plan (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and the National Design Guide (2021).

- 06** Prior to the first occupation of the development hereby approved, details about designing out crime measures, inclusive of (but not limited to) design and layout, landscape and lighting proposals, management and maintenance, security management plans and access control proposals shall be submitted to and approved in writing by the Local Planning Authority in consultation with Essex Police. The development shall be completed in accordance with the details approved and maintained as such thereafter.

Reason: To ensure crime risks have been mitigated against and meet the specific security needs of the development and surrounding public realm and to protect the residential amenity of current and future occupiers, in accordance with the Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

Conditions controlling the commercial use

- 07** The commercial units within the development hereby approved shall retain an unobstructed active frontage with no window graphics/vinyls to be installed.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to offer an active frontage in line with the National Planning Policy Framework (2023), Policy DS5 of the Southend Central Area Action Plan (2015), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

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

With reference to British Standards BS7445:2003 and BS4142:2014+A-2019 or any similar up to date standard, noise from any plant and equipment used in association with the development hereby approved shall be at least 10 dB(A) below the background noise levels as measured at 1m from the facades of the nearest noise sensitive premises and expressed as a LA90,15minutes.

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

- 09** The commercial floorspace within the development hereby approved shall be used for purposes falling within Use Class E of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

Reason: For clarity as the permitted use in accordance with Policy CP1 the Core Strategy (2007) and Policies DM11 and DM13 of the Development Management Document (2015).

- 10** Deliveries and collections to and from the commercial units within the development hereby approved shall only be undertaken between:

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

Reason: To protect the environment of people in the development and general environmental quality in accordance with Core Strategy (2007) Policies KP2 and

CP4, Development Management Document (2015) Policies DM1 and DM3, Policy DS3 of the Southend Central Area Action Plan (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 11 Any outdoor seating areas associated with the non-residential uses within the development hereby approved shall not be open for customers or staff outside the following hours:**

- 8am to 7pmon any day.

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

Waste Management

- 12 Prior to the first occupation of the development hereby approved, the residential and commercial bin storage areas shown on the approved plans 'AXH001-FAR-ZZ-00-DR-A-05100 Rev A' and 'AXH001-FAR-ZZ-01-DR-A-05101 Rev A' shall be provided and made available for use by the respective occupiers of the development. These areas shall be retained for the lifetime of the development and waste management shall be undertaken thereafter in full accordance with the Operational Waste and Recycling Management Strategy V3 by KaNect Ltd. [August 2023] thereafter or alternative details which shall have previously been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that satisfactory bin storage is provided and waste management is undertaken in accordance with the National Planning Policy Framework (2023) and the guidance in the Waste Storage, Collection and Management Guide for New Developments (2019).

Control of construction

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

Reason: In the interest of the residential amenity of nearby occupiers and highway safety in accordance with the National Planning Policy Framework (2023), Policy DS3 of the Southend Central Area Action Plan (2015), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 14 No development shall take place unless and until a Demolition and Construction Management Plan and Strategy (to include Noise and Dust Mitigation Strategies) has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The approved Demolition and Construction**

Management Plan and Strategy shall be adhered to in full throughout the construction period. The Strategy shall provide, amongst other things, for:

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

Reason: A pre-commencement condition is justified in the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM15 of the Development Management Document (2015) and Policy DS3 of the Southend Central Area Action Plan (2015).

Sustainability conditions

- 15 Prior to first occupation of the development hereby approved, details of the sustainability measures to be implemented at the site and how at least 10% of the energy needs of the development hereby approved would be provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority under the terms of this condition and implemented on site in accordance with the agreed details. The agreed measures shall be maintained on site as approved thereafter.**

Reason: To minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: To minimise the environmental impact of the development in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-

Sea Design and Townscape Guide (2009).

Contamination

- 17 In the event that contamination is found at any time when carrying out the approved development, development must stop, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority.

Investigation, remediation and verification must be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other current guidance deemed authoritative for the purposes.

Reason: In the interest of the residential amenity of future occupants of the development in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1, DM3 and DM14 of the Development Management Document (2015).

External lighting

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

Reason: To protect the privacy and environment of residents within the development and to safeguard the visual amenities of the area in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

Accessibility for future occupiers

- 19 Before the development hereby approved is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure that 56no of the flats comply with the Building Regulation M4 (3) 'wheelchair user dwellings' standard and the remaining flats comply with Building Regulation M4(2) 'accessible and adaptable dwellings' standard.

Reason: To ensure the residential units hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015) and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 20 Notwithstanding the submitted drainage details, including the Flood Risk Assessment and Drainage Strategy ref. WIE19962-100-R-1-2-1 by Waterman Infrastructure [September 2023], no drainage infrastructure associated with the development hereby approved shall be installed until and unless full drainage details have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Specifically, the details shall:

- a) Show the internal drainage, along with drainage features on all floors of the development;
- b) Show a plan with how the drainage features are going to be set up;
- c) Show how the blue/green roofs connect into the drainage system;
- d) Show the results from the calculations on the 1:1 and 1:30 storm event;
- e) Provide the results from the water quality calculations and show use of the Simple Index Approach;
- f) Show how flood risk would be managed during construction.

The development shall only be implemented in accordance with the strategy and details approved under this condition and no hard surfaced areas shall be constructed until the works have been carried out in accordance with the strategy and the approved details.

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

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

Drainage

- 21 Prior to the construction of the approved development above damp-proof course, a scheme for on-site foul water drainage works, including connection point and

discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to any occupation of the development hereby approved, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with National Planning Policy Framework (2023) and Core Strategy (2007) Policies KP1 and KP2.

Air quality

- 22 The development hereby approved shall only be carried out in accordance with the dust and air quality mitigation measures contained in the Air Quality Assessment by Air Quality Assessments Ltd. Ref. J0774/1/F2 [30th November 2023] and shall be retained as such thereafter.

Reason: To protect the living conditions of neighbours and future occupiers in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM8 as amended by the Technical Housing Standards Policy Transition Statement (2015) and the guidance contained within the Southend-on-Sea Design and Townscape Guide (2009).

Landscaping and ecology related conditions

- 23 The development hereby approved shall only be constructed in accordance with the proposed landscaping details contained within the 'Landscape Strategy' by Exterior Architecture [August 2023] inclusive of the 'Pocket Park' to the front of the site and the 4 communal roof top gardens or, any other alternative landscaping details which have previously been submitted to and approved in writing by the Local Planning Authority under the terms of this condition before the development is first occupied.

The hard landscaping details must be completed in full accordance with the approved details prior to first occupation of the development hereby approved. The soft landscaping details must be completed in full accordance with the approved details within the first planting season (October to March inclusive) following first occupation of the development hereby approved.

Within a period of five years from the completion of the development hereby approved, or from the date of the planting of any tree or any tree planted in its replacement, if any tree existing or planted as part of the approved landscaping scheme is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that of the original tree shall be planted in the same place or in accordance with alternative tree replacement details approved under the scope of this planning condition.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 24** No development shall take place at the site unless and until the tree protection measures and recommendations as detailed in the Arboricultural Method Statement Rev A and as outlined in the Tree Protection Plan Ref.2149-KC-XX-YTREE-TTP01 Rev A by Keen Consultants Ltd. [August 2023] have been implemented in full by competent persons and these measures shall be retained until the development is substantially complete.

Reason: This pre-commencement condition is needed to safeguard existing trees on the site and the character and appearance of the surrounding area, in accordance with Policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 25** A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including measures and operational arrangements to ensure that use of the development's pocket park by the general public is safe and convenient for all members of the public shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The landscaping of the site shall be managed in accordance with the approved plan in perpetuity.

Reason: To safeguard the character and appearance of the surrounding area and the amenities of the occupants of the development in accordance with Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 26** The development hereby approved, including the construction works along with the measures to protect biodiversity at the site during construction, shall be undertaken only in accordance with the recommendations of the Ecological Appraisal ref 552327JB31MAR23FV01_EA by Greengage [August 2023], or an alternative Ecological Appraisal which has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: To ensure the development would have an acceptable impact no ecology in accordance with the National Planning Policy Framework (2023).

- 27** Prior to first occupation of any part of the development hereby approved, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved details thereafter for its lifetime.

Reason: To ensure the development would have an acceptable impact no ecology

in accordance with the National Planning Policy Framework (2023).

Obscure glazing and privacy screening

- 28** Prior to first occupation of the development hereby approved, the north facing windows within the 'Street East' wing (adjacent to Victoria Central) hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut (except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level of the room or area served by that window) and shall be retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

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

- 29** A privacy screen strategy for the terraces and balconies within the development hereby by approved, which would contain among other things the design detail, material, location and dimension of all privacy screens to be installed at the development shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to first occupation of the development hereby approved. The privacy screens approved and installed shall be retained as such for the lifetime of the development.

Reason: In the interest of the residential amenity of future neighbouring occupiers in accordance with the National Planning Policy Framework (2023) and Policies DM1, DM3 and DM8 of the Development Management Document 2015 as amended.

Transport related conditions

- 30** Occupation of the development hereby approved by this permission shall not begin until the reinstatement of the existing vehicle crossovers serving the site has been completed.

Reason: In the interest of pedestrian and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM14 of the Development Management Document (2015).

- 31** Prior to the first occupation of the development hereby approved, the 278 resident car parking spaces and 21 visitor parking spaces shown on the approved plans AXH001-FAR-ZZ-B1-DR-A-05099 Rev A, AXH001-FAR-ZZ-00-DR-A-05100 Rev A and AXH001-FAR-ZZ-01-DR-A-05101 Rev A shall be provided and made available

for use at the site. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall thereafter be permanently retained solely for the parking of vehicles of the occupiers and visitors to the approved dwellings.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

- 32 Prior to the first occupation of the development hereby approved, 3 parking bays shall be provided and made available for the operation of a car club at the site. The parking spaces shall each be fitted with an active electric vehicle charging point. The car parking spaces shall be reserved solely for the parking of vehicles operated as part of the car club at the site for as long as a car club operates at the site. If a car club ceases to operate from the site, the 3 parking bays shall be made available for use by the occupiers of development hereby approved and shall remain as such thereafter.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

- 33 The development hereby approved shall not be first occupied unless the measures identified in the Car Parking and Delivery and Servicing Plan by YES Engineering Group Ltd. [September 2023] have been implemented in full. The development shall be managed in perpetuity in strict accordance with the approved car parking management plan or in accordance which would need to be submitted for approval under the terms of this condition.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of highway safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP3, Development Management Document (2015) Policy DM15 and the guidance in the Electric Vehicle Charging Infrastructure for New Development Supplementary Planning Document (2021).

- 34 The first use or occupation of any part of the development hereby approved shall not begin unless and until an agreement under Section 278 of the Highways Act 1980 has been entered with the Local Highways Authority to secure:
- a. The safe (including with the completion of a Safety Audit Review as required) access to site for bicycles and the connection of any bicycle infrastructure (a cycling lane or shared surface path) to the wider cycling network of the city;
 - b. The long-term management of the proposed landscaping within the public 'Pocket Park' to the front of the building hereby approved and

- c. **The creation of the servicing bays along both Victoria Avenue and Baxter Avenue.**

Reason: In the interest of pedestrian and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM14 of the Development Management Document (2015).

- 35 **Prior to first occupation and first use of the development hereby approved, a Travel Plan including a comprehensive survey of users, targets to reduce car journeys to and from the site, identifying sustainable transport modes including cycling and modes of public transport and measures to reduce car usage shall be submitted to and agreed in writing by the Local Planning Authority. The approved Travel Plan shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the Local Planning Authority. The agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.**

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and advice in the Southend-on-Sea Design and Townscape Guide (2009).

- 36 **The development hereby approved shall not be occupied unless and until full details, including, but not limited to, the accesses from the highway and pedestrian and cycle routes to the accesses to the residential building, as shown in principle in drawing 9.1 Access and Use - Site-wide Strategy, of the 'Pocket Park', shown on the approved plans as the landscaped area to the front of the application site, have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The development shall not be occupied until the 'Pocket Park', including all accesses and public realm infrastructure is constructed, completed and made available in accordance with the approved details. The 'Pocket Park' and associated infrastructure at the front part of the site shall be retained for access by the general public thereafter at all times and for the lifetime of the development.**

Reason: In the interest of future occupiers' living conditions, cyclists' and pedestrians' safety and the character and appearance of the area, in accordance with the National Planning Policy Framework (2023).

- 37 **No development above ground level shall commence until details of the cycle parking and access to it has been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the**

Council's cycle parking standards, shall be secure and provide 5% of spaces for oversized cycles. Residential parking shall be accessible by residents only, provide automatic opening doors, CCTV coverage and cycle repair stations. The use of the cycle parking shall be monitored through the travel plan. The development shall not be occupied until the cycle parking has been constructed, completed and made available for use in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: In the interest of cyclists' safety and in accordance with the National Planning Policy (2023) and Policy DM15 of the Development Management Document.

Fire safety

- 38 The development hereby approved shall be carried out and maintained solely in accordance with Fire Safety Statement by Fire Risk Solutions ref 8594 R3 [20/02/2024] or any other Fire Safety Statement which has previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.**

Reason: In the interest of future occupiers' living conditions in accordance with the National Planning Policy Framework (2023).

Noise

- 39 The development hereby approved shall be carried out and maintained thereafter solely in accordance with the recommendations of the Environmental Noise Survey and Noise Impact Assessment Report Ref.QA2319/ENS 2 by Quantum Acoustics (12th September 2023 or alternative noise protection details which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition.**

The design and structure of the development hereby approved shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: In the interest of future occupiers' living conditions in accordance with the National Planning Policy Framework (2023).

Amenity space and play strategy

- 40 Notwithstanding the information submitted with this application and otherwise approved, the development shall not be occupied unless and until a play strategy which identifies the location and type of play equipment to be provided throughout the development has been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The play equipment shall**

be provided in accordance with the approved strategy prior to first occupation of the development hereby approved and shall be retained as such and maintained in good working order thereafter.

Reason: In the interest of future occupiers' living conditions, in accordance with the National Planning Policy Framework (2023).

- 41 Prior to first occupation of the development hereby approved, the four (4) roof terraces on and the communal residents' lounges in the building hereby approved, shall be made available for use and shall be permanently retained for use by the occupiers of the development and their visitors for the lifetime of the development.

Reason: In the interest of the residential amenity of future occupiers in accordance with the National Planning Policy Framework (2023) and Policy DM8 of the Development Management Document 2015 as amended.

- c) In the event that the planning obligations referred to in part (a) above have not been completed before or an extension of this time as may be agreed by the Director of Planning and Economy or Service Manager - Development Management and Enforcement, authority to be delegated to the Director of Planning and Economy or Service Manager - Development Management and Enforcement to refuse planning permission for the application on grounds that the development would not secure the necessary contributions outlined above and that, as such, the proposal would be unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2, KP3, CP3, CP6 and CP8 of the Core Strategy (2007) and Policies DM1, DM3, DM7 and DM15 of the Development Management Document (2015).

POSITIVE AND PROACTIVE STATEMENT:

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

INFORMATIVES:

- 1 Please note that the development which is 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 would 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 would 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 would 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 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council would 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 the building would represent a landmark building in the city and consequently, the external materials identified must be of a sufficiently high quality.
- 4 This permission is governed by a legal agreement between the applicant and the City Council under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution in relation to education, a financial RAMS contribution, highways related contributions, 10% affordable housing on site, a late-stage affordable housing viability review and monitoring of the agreement
- 5 Applicants are advised of the need to ensure the thermal comfort of dwellings under Regulation 40B of the Building Regulations 2010. The code of practice to the Regulations in Approved Document O requires an overheating mitigation strategy and assessment. This includes where noise protection measures require windows and openings to be closed.
- 6 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 7 Please note that if you require a crane or piling rig to construct the proposed development, this would need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority. Any crane applications should be directed to sam.petrie@southendairport.com / 01702 538521.

- 8 Advertisement signage associated with the development must be submitted for under separate Advertisement legislation.**

Anglian Water

- 9 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent would be- required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.**
- 10 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 would 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 would not be permitted (without agreement) from Anglian Water.**
- 11 Building near to a public sewer - No building would 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.**
- 12 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 our 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.**

Construction outside of normal hours

- 13 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 would 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 would need an acoustically qualified person who would 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.**
- 14 If Regulatory Services become aware of any works that are highly likely to cause a nuisance, the Council can serve a notice under Section 60 of the Control of Pollution Act 1974 to prevent this. A breach of this would represent a criminal offence.**
- 15 The application form and guidance are 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.

Change of Use Class E

- 16** Should the use hereby permitted change fully, or part, to Class E paragraphs:
- o** (b) sale of food and drink for consumption (mostly) on the premises
 - or
 - o** (d) indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public, there is a risk of harm to human receptors within existing residential and commercial premises. This is particularly due to the likely required operation outside of normal working hours and over seven days. These risks include:
 - o** Noise from shopfitting and alterations to the premises
 - o** Noise and vibration from the dropping of free or machine weights and medicine balls
 - o** Noise from amplified music played in the premises
 - o** Noise from extract ventilation systems and air conditioning condenser units
 - o** Noise from customer voices internally and leaving and entering the premises
 - o** Odour from extract ventilations systems
 - o** Artificial light from signage
- 17** Whilst planning permission is not required for a change of use to or within Class E Southend-On-Sea City Council has a duty to investigate and enforce statutory nuisances under section 80 of the Environmental Protection Act 1990 if the council has established that a nuisance exists or is likely to occur. Therefore, where an activity that falls under these paragraphs is proposed it is strongly recommended that an impact assessment of the proposed use is conducted by competent persons. Where likely impacts are established mitigation measures must be evaluated and installed to prevent a statutory nuisance from occurring using the best practicable means to do so.
- 18** The applicant should have regard to the common parts of the proposed development and the fire safety in accordance with the Building Regulations 2000 (as amended) and The Regulatory Reform (Fire Safety) Order 2005 which is regulated by Essex Fire and Rescue Service.
- 19** Southend-On-Sea City Council may serve a Notice Imposing Requirements under section 60 of the Control of Pollution Act 1974 on the person deemed in control of this development which. The Notice would specify certain ways in which demolition and /or construction would be carried out. This power exists to apply to any projects of demolition, construction and engineering works where the council deems it appropriate to do so.
- 20** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should

contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

- 21 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These would include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 22 The developer is encouraged to seek accreditation of the development hereby approved under the Secure by Design scheme, engaging with Essex Police.

Please see attached link in relation to CSAS accreditation for consideration of staff members/security/concierge - [The community safety accreditation scheme \(CSAS\) | Essex Police](#).