

# Public Document Pack

**Southend-on-Sea Borough Council**

**Legal & Democratic Services**

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07 February 2019

Dear Councillor

## **DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 6TH FEBRUARY, 2019**

I refer to the above-mentioned meeting of the Development Control Committee held on Wednesday, 6th February, 2019, and attach a copy of the supplementary report which provided additional information on items referred to elsewhere on the Agenda after its publication.

Yours faithfully

Tim Row  
Principal Democratic Services Officer

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# Southend-on-Sea Borough Council

Development Control Committee 6<sup>th</sup> February 2019

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## SUPPLEMENTARY INFORMATION

**18/01847/FULM**      **Chase High School, Prittlewell Chase, Westcliff-on-Sea, Essex**

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### **6. Representation Summary**

#### **Archaeology Team**

I have read and am satisfied with the desk based assessment submitted. It covers everything it needs to and there are no archaeological concerns raised.

### **9. Recommendation**

Due to a typographical error condition 9 shall be updated to:

No external lighting, including floodlights shall be installed unless details of its design and location have been previously agreed in writing by the local planning authority.

It is recommended the additional condition below is included:

Notwithstanding the information submitted with this application, prior to the first use of the building hereby approved, a waste management strategy and full details of the refuse and recycling storage for the approved development shall be submitted to and approved in writing by the local planning authority. The approved waste management strategy shall be implemented and the approved refuse and recycling store shall be provided in full and made available for use prior to the first use of the building hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate refuse and recycling storage in accordance with the National Planning Policy Framework (2018) and Policy DM3 of Development Management Document (2015).

**18/02151/FULM**      **27 Victoria Avenue, Southend**

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Paragraph 1.1

Correction – The number of parking spaces proposed is 174 not 172.

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### **Planning Obligations**

Paragraph 4.151 and Recommendation Part (a)

The S106 Agreement Heads of Terms have been clarified and are now proposed as:

- a. 22 units of affordable housing (including 14 x 1 bed and 8 x 2 bed shared ownership units) and a viability review mechanism.

- b. £145,432.29 (index-linked) contribution towards secondary education provision payable prior to commencement.
- c. The provision of Travel Packs for residents and Travel Plans for commercial operators (including up to £4,000 for Travel Plan Monitoring) – details to be agreed prior to occupation
- d. £10,850 (index-linked) towards biodiversity mitigation, management, protection or education payable prior to commencement.
- e. Requirement to enter into a S278 agreement prior to commencement of the development relating to public realm works on the highway to the front of the site – works to include cycle racks, paving, planting, provision of loading bays and relocation of parking bays to the value of £65,000 (index-linked) plus associated Traffic Regulation Order costs (details to be agreed with the Council).
- f. Alteration to Traffic Regulation Order, required for the provision of loading bays and relocation of parking bays, to be authorised for implementation prior to commencement of the development.
- g. Provision of a public right of way to the northern side of the site linking Victoria Avenue and Baxter Avenue to the north (to be permanently retained and maintained at the owner's expense – details to be agreed with the Council).

These are subject to agreement by the applicant.

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## **8. Public Consultation**

An objection has been received from Waldrams Daylight and Sunlight Consultants on behalf of the owners of Baryta House which is as follows:

*'I write on behalf of our client, Shaviram Southend Limited, owners of Baryta House at 29 Victoria Avenue, to object on their behalf to the proposed development at 27 Victoria Avenue, Southend-on-Sea (18/02151/FULM) in daylight and sunlight planning terms. In our opinion, there is an unacceptable impact to the daylight and sunlight to Baryta House in breach of planning policy on daylight and sunlight. We have reviewed the daylight and sunlight report by Point 2 Surveyors for the amended application (18/02151/FULM). Point 2 Surveyors have attempted to justify the impacts to Baryta House through a number of different analyses, namely: comparing the true existing to the proposed situation; comparing the pre-existing building to the proposal; comparing the proposal to the impact from a 'mirror-image' of Baryta House positioned 12 metres away; and comparing the proposal to the refused scheme (18/00978/FULM).*

*In our opinion, it is legitimate to compare the impact of the proposal to the pre-existing building on site. However, when this is done there are still approximately more than one third of windows (61/152) which experience reductions beyond the BRE Guidelines and 42 out of 137 rooms that experience reductions in daylight distribution beyond the BRE Guidelines' recommendations. In our opinion, this reduction is too significant, particularly given that 35 windows experience reductions greater than 30%.*

*With reference to the 'mirror-image' analysis, whilst the BRE Guidelines allows for such analysis it should be noted that the proposed development site is large. It does not seem unreasonable therefore for a scheme to be designed where there is not significant massing directly adjacent to Baryta House, causing these reductions. It should also be noted that Point 2 Surveyors state that 130/152 windows "meet the strict application of the BRE Guide", however, this is not the case. The BRE Guidelines does not allow for further 20% reductions from the 'mirror-image' position. Instead, alternative target values can be derived from this 'mirror-image' analysis and the proposal tested to determine whether these values are achieved with the proposal in place. Point 2 Surveyors do not provide alternative target values and as such, this does not constitute a proper interpretation of the BRE Guidelines.*

*With reference to the refused scheme, this only shows improvements from the refused position (i.e this bears no relevance to the existing or pre-existing positions). Where the Point 2 report states that gains in daylight are enjoyed by a number of windows it is not clear whether these windows actually experience reductions from the existing or pre-existing positions. In our opinion, this analysis is misrepresentative and the reductions in daylight to the windows at Baryta House are still unacceptable.*

*In summary, even when compared to the pre-existing building on the development site, the daylight impact to windows and rooms at Baryta House is still unacceptable and in significant breach of the BRE Guidelines and thus in our opinion of local planning policy. When compared to the 'mirror-image' analysis, Point 2 Surveyors have not set alternative target values and the BRE Guidelines does not allow for further 20% reductions from the 'mirror-image' position. As such, this analysis does not constitute a proper interpretation of the BRE Guidelines. The analysis comparing the refused scheme to the proposal is misleading and bears no relevance to the existing or pre-existing positions. Overall, therefore, there will clearly still be a substantial loss of daylight to habitable rooms at Baryta House and the scheme should therefore be refused permission on these grounds.'*

In response to this letter the consultation acting on behalf of the applicant has provided the following response:

*'Point 2 Surveyors are appointed on behalf of Weston Homes PLC ("the Applicant") to assess the potential daylight, sunlight and overshadowing effects to the surrounding residential properties. Our work has culminated in the standalone Daylight, Sunlight & Overshadowing Report dated November 2018 ("the Report") that accompanies the live application (Planning Application Reference 18/02151/FULM).*

*We have been supplied by the Applicant with a letter (dated 19th December 2018) which has been assembled by Sophie Hipshon from Waldrams Limited and on behalf of Shaviram Southend Limited, the owners of Baryta House ("the Letter"). It expresses concerns in relation to daylight and sunlight, concluding that the Development will lead to unacceptable changes in light. I refute this assertion and my comments are outlined below.*

*One of the consistent points raised in the Letter relates to the adoption of an alternative baseline condition which considers a 'mirror image' of Baryta House, as advocated by the principal area of guidance in this area, the BRE Guidelines. As is noted in the Report, a strict application of a mirror baseline would effectively include a block equal to the same height and extent of the Baryta House building which is developed on the site boundary line (the same distance Baryta House is from its own boundary). In an effort to consider a more reasonable baseline condition, we have set the mirror block 12 m away from the boundary line with Baryta House (in order to introduce a reasonable distance separation one would normally expect in a real life scenario), despite this not being strictly suggested by the BRE Guidelines it is clearly a more reasonable approach. It follows therefore, that if one were to adopt a strict mirror approach, the daylight and sunlight results contained within the Report would be further materially improved. Recognising that a 12 m setback has been used, it is considered reasonable to assess whether there will be light alterations which fall within the BRE's suggested permissible 20% from former value. The approach adopted is therefore considered reasonable.*

*Moreover, the Letter states that a comparison of the current proposals against the scheme which was refused planning permission bears no relevance when determining the acceptability of any alterations in light to Baryta House. Whilst I acknowledge that the previous application was refused, with daylight and sunlight as a key reason, consideration of the refused scheme is critical in providing the Council and committee members with the necessary quantitative information and assurance for comparison purposes. Following a detailed review of the technical assessment and having had the benefit of a full demonstration of our software which inform the calculations set out in the Report, the Council's Environmental Health Officer concurs with the findings and based on the Development's context finds the scheme agreeable. Ultimately, as the Report concludes, the Development will lead to significant improvements in daylight when compared to the previous refused scheme.*

*In summary, the unusual outlook of the Victoria Avenue site and its surrounding context within a built-up characterised by tall buildings has meant that Point 2 Surveyors have considered a number of baseline scenarios to assess the impact to neighbouring residential properties, including a 'mirror image' which adopts a 12 m distance separation, a comparison against the refused scheme and a comparison with the historic building which once occupied the site. Ultimately, the Report has sought to provide a comprehensive and technical review and in doing so, demonstrate that any alterations in light (particularly to Baryta House) are largely a product of the unusual nature of the site and the Committee report acknowledges this alongside noting the numerous other benefits of the Development.'*

**Officer Comment:** The impact on the daylight of residents in Baryta House has been carefully considered in the main report. The amended proposal, which has been noticeably reduced in scale on the northern side, has resulted in a significant improvement on the impact on daylight to the residents of Baryta House. It is acknowledged that when compared to the existing open site, there are still a number of failures when assessed against the BRE guidelines, however, these are only guidelines and it is noted that the current proposal fairs significantly better when compared with other scenarios including the previous Portcullis House building, a mirror of Baryta House +12m offset and against the previously refused scheme. It is also important to recognise that this site has been identified in the SCAAP as being suitable for a tall building of a scale that is consistent with the other buildings in Victoria Avenue. Any tall building in this location will inevitably have an impact on Baryta House which currently enjoys an open aspect to the south. On balance, it is considered that, the regeneration and public benefits of the amended proposal, justifies the now significantly reduced impact on the daylight to residents of Baryta House. It is noted that there is no breach in sunlight guidelines in this instance.

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#### **Conditions**

Correction for Condition 05

The number of car parking spaces noted in this condition should be 174 not 172 and the drawing number should be AA7218-2101RevB. The amended condition is as follows:

*'The development shall not be occupied until 174 car parking spaces, of which 22 shall be for disabled users, have been provided at the site and made available for use solely for occupiers of the residential units hereby approved and their visitors all in accordance with drawings AA7218-2100RevA and AA7218-2101RevB together with properly constructed vehicular accesses to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter for the parking of occupiers of and visitors to the development.'*

18/02171/FUL

**Dawnlea, Cliff Road, Leigh-on-Sea, Essex**

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#### **6. Representation Summary**

The applicant's Agent has provided a letter of response to the neighbour concerns raised, which includes the following summarised comments:

- The proposal has an overall traditional design approach that ties into the surrounding context and makes direct reference to the local character and material palette.
- The housing density in the area is 30-50dph (dwellings per hectare). The existing bungalow provides a density of 10dph. The application provides a density of 30dph which is in-keeping with the area.

- Cliff Road and Upland Road have a tight grain with plot widths ranging from 5.5m to 10.5m. The plots for the application range from 7.8m to 8.5m which is contextually appropriate.
- The existing bungalow underutilises the site and its position creates a cramped appearance. The proposal will provide a far more open and spacious feeling in the streetscene.
- The proposal directly references No's 9, 11, 17 and 19 Cliff Road.
- There is no overall design character in the area.
- The proposal includes pitched roofs, gables, brick, render and clay tiles.
- The proposal is not significantly taller than any of the immediate neighbouring properties.
- The flank elevation is 26m from the rear elevation of the houses on Mount Avenue and 3m from the flank elevation of 11 Upland Road – the contextual relationship between flanks is tighter in the area, typically being 2m.
- The side dormer at No.11 Upland Road currently causes overlooking to the application site. The window in this side dormer would still benefit from an outlook distance of 4.5m to the new proposed flank elevation.
- There are other properties with rooms in the roof.
- At first floor level the proposal is 12.2m from the rear garden of the Vicarage and 13m from the Church gardens at their closest points.
- The separation distances to rear and side boundaries are typical of the surrounding context.
- The proposal gives rise to no overlooking into the actual neighbouring dwellings and the proposal will be screened through the use of structural planting.
- The proposal will have negligible impact on congestion, noise and parking stress in the area.
- 2 parking spaces per dwelling will be more than adequate and is policy compliant.
- The gardens are 98sqm to 150sqm which is contextually appropriate.
- The existing house has little in the way of soft landscaping. A feature tree will terminate the view along Upland Road. The proposal will feel more open and less cluttered.
- Substantial areas of planting will soften the development.
- The planting in the gardens will be retained as much as possible and enhanced with native planting and structural planting to provide screening to increase privacy.
- Will create a softer road frontage.
- A full construction method statement will be provided.