

Reference:	18/00978/FULM	
Ward:	Victoria	
Proposal:	Erect part 14/part 15 storey building comprising 228 flats with balconies to all elevations, roof terraces at second, tenth and eleventh floors to rear, form commercial units (Use Classes A1, A2, A3 and A4) at ground floor, layout 183 parking spaces at ground and first floor, install vehicular accesses on to Victoria Avenue, form loading bays, alterations to highway, public realm alterations and associated landscaping	
Address:	Car Park At 27 Victoria Avenue Southend-On-Sea Essex	
Applicant:	Weston Homes Plc and Mapeley Steps Ltd	
Agent:		
Consultation Expiry:	5th July 2018	
Expiry Date:	12th September 2018	
Case Officer:	Abbie Greenwood	
Plan Nos:	AA7218-2000, AA7218-2001, AA7218-2010, AA7218-2011, AA7218-2100, AA7218-2101, AA7218-2102, AA7218-2103, AA7218-2110, AA7218-2111, AA7218-2112, AA7218-2113, AA7218-2114, AA7218-2115, AA7218-2200, AA7218-2201, AA7218-2210, AA7218-2211, AA7218-2220, AA7218-2221, AA7218-2222, AA7218-2223, AA7218-2224, AA7218-2225, AA7218-2226, AA7218-2240, AA7218-2241, AA7218-2242, AA7218-2243, AA7218-2300, AA7218-2301, AA7218-2302, AA7218-2303, AA7218-2304, AA7218-2305, AA7218- 2306, AA7218-2307, AA7218-2320, AA7218-2340, AA7218-2341, AA7218-2342, AA7218-2344, AA7218-2345, AA7218-2346, AA7218-2347, AA7218-2348, AA7218-2349, AA7218-2350, AA7218-2351, AA7218-2360, WH189/18/15.P1 (Surface Water Drainage Strategy)	
Recommendation:	Members are recommended to REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 The application proposes to erect a mixed use development varying between 2 and 15 storeys in height, totalling 228 units (71x1-bed (31%), 144x2-bed (63%) and 13x3-bed (6%)), together with associated ground floor commercial space (use classes A1-A4) totalling 273.5 sqm split into two units. It also includes ground floor and first floor parking for 183 vehicles including 2 spaces for the commercial units and 23 disabled parking spaces, which equates to 0.8 spaces per unit. 10% of the units are M4(3) compliant and suitable for wheelchair users. All other units are M4(2) compliant (accessible dwellings).
- 1.2 The block is a 'C' shape with its tallest elements fronting Victoria Avenue. The frontage has a 2 storey plinth feature then rises to 15 storeys (51.7m) at the southern end of the main frontage, dropping down 1 storey to 14 storeys (48.1m) at the northern end. To the rear are two projecting wings. The southern wing is 11 storeys (37.7m) and the northern wing is 10 storeys (34.2m). The proposal is set away from the northern boundary of the site with Baryta House and vehicular and pedestrian access is possible along the northern side of the building. It is envisaged that this area could potentially provide a footpath link to Baxter Avenue. The building line to the front is 2m back from the pavement which references the other buildings along the western side of Victoria Avenue.
- 1.3 The proposal will be faced in 3 colours of brick (Red Freshfield Lane- Selected Light, Grey/Brown Weinberger - Pagus Grey and Black Weinberger - Graphite Black) with feature brick detailing and glazed balconies to the front and railing balconies to the rear. Other materials include white stone effect masonry, cladding, clear glazed windows and curtain walling and dark grey metal panels.

- 1.4 There are two car park accesses, one on the principal eastern elevation at the south east corner of the site which includes an internal ramp to access the spaces at first floor level and one on the northern elevation which access the spaces at ground floor level. The car parking is screened by the commercial units to the front of the site. Secure cycle parking and refuse storage is provided at ground level within the block. Two loading bays (12m x 4m) are proposed on the service road to the front to serve the development.
- 1.5 There is a range of amenity spaces proposed within the development. Private balconies are provided to all but 7 units. There are three amenity decks at 2nd floor level, one between the two rear wings, one to the southern side of the south wing and one to the northern side of the northern wing. There are also two further roof gardens on top of the rear wings. The balconies are approximately 4.3sqm each and the total area of the amenity decks and roof gardens is approximately 1600sqm.
- 1.6 The proposal also includes associated landscaping to the front of the site, including landscaping works to the highway in this location, and to the northern side of the building.
- 1.7 The planning statement confirms that 10% (23 Units – 15 x 1 bed and 8 x 2 bed) of the proposed units will be affordable units (intermediate housing only, no social rented). A viability assessment has been submitted to seek to justify this contribution.
- 1.8 This is a stand-alone development but the applicant has provided explanatory comments on how the scheme might relate to a wider redevelopment which includes the land immediately west of the site should one come forward.
- 1.9 The application is supported by a Planning Statement, Design and Access Statement, Transport Assessment, Travel Plan, Phase 1 Habitats Report, Archaeological Desk Based Assessment, Environmental Noise Assessment and, Contaminated Land Survey, Energy Report, Flood Risk Assessment/Drainage Strategy, and Landscaping strategy, Topological Survey and a Viability Statement.

2 Site and Surroundings

- 2.1 The application site is the rectangular-shaped former Portcullis House site (0.41 Ha) measuring some 79m x 51m. The former office block was demolished in 2013 and the site is currently being used as a temporary car park. Planning permission for this (2 years) has recently been renewed (application reference 18/01205/FUL). It has two existing single vehicular crossovers leading off the Victoria Avenue Service Road.
- 2.2 The site is located at the southern end of Victoria Avenue between Alexandra House, a 16 storey office building and Baryta House, a 12 storey block which has recently been converted to residential use under permitted development. The wider streetscene on the west side of Victoria Avenue comprises a number of tall/large blocks which were constructed in the 1960s and 1970s as offices but most of which have now been converted or are undergoing conversion to residential use.

The buildings are faced in a variety of materials including brick, concrete and cladding.

- 2.3 Victoria Avenue is a key vehicular route to Southend Town Centre and busy dual carriage way. The buildings on the west side, including the application site are accessed via a one way, single width service road which runs parallel to the main carriageway. The buildings here are set fairly close to the footpath but are separated from the busy traffic by the service road.
- 2.4 There is no service road to the eastern side of the street but the buildings on this side are generally set much further back from the road. There is also a much greater variety of building style to the eastern side of Victoria Avenue including the listed Southend Museum, the low rise blocks of the Beecroft Gallery and Court House and the tower of the Civic Centre.
- 2.5 The wide street width and mature street trees help to offset the scale of the buildings in this section of Victoria Avenue. The overall character is that of a grand boulevard which feels comfortable to the pedestrian but also serves as a gateway to the town centre.
- 2.6 The mature trees also help to offset the impact of the traffic and are an important part of local character although there is scope for further environmental enhancement works to contribute to the regeneration of this area.
- 2.7 The site is close to the town centre and a variety of public transport links including buses and train interchanges. It is considered to be a very sustainable location.
- 2.8 The site falls within the 'Southend Central Area' and is located 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 for regeneration. In addition to the renewal of the built environment, key aims of the regeneration for this area include improving east west pedestrian links to the wider area and an enhancement of the public realm.
- 2.9 The area is mixed in character containing a variety of building types and uses. The only heritage building in the location is the Southend Museum opposite the site which is grade II listed. This building and the adjacent Beecroft Gallery are identified as landmark buildings within Policy DS3 of the SCAAP.
- 2.10 The site lies within Flood Risk Zone 1 (low risk).

3 Planning Considerations

- 3.1 The main considerations in relation to this proposal are the principle of the development; design and impact on the character of the area including the setting of the listed museum building; impact on the amenity of neighbouring buildings; standard of accommodation for future occupiers; traffic generation; access and parking implications; sustainable construction including the provision of on-site renewable energy sources; CIL (Community Infrastructure Levy) and developer contributions.

4 Appraisal

Principle of the Development

Planning Policies: National Planning Policy Framework (2018) (NPPF), Core Strategy (2007) Policies KP1, KP2, KP3, CP2, CP3, CP4, CP6, CP8; Development Management Document (2015) Policies DM1, DM2, DM3, DM4, DM5, DM7, DM8, DM14 and DM15; Southend and Central Area Action Plan (SCAAP) (2018) Policies PA8 and DS3 and the Design and Townscape Guide (2009)

- 4.1 The Core Strategy confirms that the primary focus of regeneration and growth within Southend is in Southend Town 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.
- 4.2 The application site is 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 being suitable for high density residential development.
- 4.3 Policy PA8 of the SCAAP sets out the principles for development in the Victoria Gateway Neighbourhood Policy Area. This policy confirms that the Council will look favourably on high quality large scale developments provided they are well designed, can demonstrate that they will 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 Town Centre.
- 4.4 Policy DS3 confirms that the Council will seek to conserve landmarks and landmark buildings as identified in Table 2 and Appendix 3 which include Southend Museum and the Beecroft Gallery from adverse impact by: a) encouraging the provision of open spaces and public realm improvements which provide views to landmarks or landmark buildings or enhance their setting; b) resisting adverse impacts of new development by virtue of excessive height, massing or bulk; and c) ensuring development proposals respect views, setting and character.
- 4.5 Policy KP1 of the Core Strategy seeks the provision of additional homes within the Town Centre. Policies KP2 and CP4 of the Core Strategy seek development that makes the best use of land and is sustainably located.
- 4.6 Policy CP2 seeks to support the Town Centre as a regional centre including promoting mixed-use development. A stated aim of Policy CP3 is to reduce reliance on the car in new development. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021 and seeks that 80% or more of residential development be provided on previously developed land.

- 4.7 Policy DM1 of the Development Management Document seeks to promote successful places. Policy DM1 also requires new development to be of a design quality that positively contributes to the overall quality of an area and respects the character of a site and its local context. Policy DM3 seeks to support development that is well designed and that looks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification.
- 4.8 Policy DM4 states that tall and large buildings will be considered acceptable where:
- (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, 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'*
- 4.9 Policy DM5 requires that all development proposals that affect a heritage asset will be required...to conserve and enhance its historic and architectural character, setting and townscape value.
- 4.10 Policy DM7 states that the Council will encourage new development to provide a range of dwelling sizes and types to meet the needs of people with a variety of different lifestyles and incomes. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within internal accommodation to meet the changing needs of residents.
- 4.11 Policy DM15 states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.
- 4.12 The principle of using this brownfield land for residential led mixed use proposal is therefore considered acceptable under Policies KP1, KP2, CP4, CP6, CP8 and PS8

Principle of a Tall Building

- 4.13 In relation to the principle of a tall building, the Victoria Avenue site is considered to meet the criteria set out in DM4 (i), (ii) and (vii) above and no objection has been raised by the airport to this proposal provided the overall height of the building to the tallest part is no greater than the closest existing building, Alexandra House, which measures 52.07m. It is noted that the main body of the building is 51.69m so meets this criteria, but the lift overrun takes the development to a maximum height of 52.45m which is slightly above the airport requirement. However, given that the difference is only 38cm, it is considered that, if the development was found to be acceptable in all other regards, a condition could be imposed relating to levels and heights to ensure that this criterion is met.
- 4.14 The principle of the form and nature of the application site's redevelopment and strategic impact also needs to be considered having regard to the effect on landmark views of Southend Museum and the Beecroft Gallery, required under Policy DS3. The Museum is located at the southern end of the east side of Victoria Avenue and is most prominent when seen from the Victoria Gateway development and on approach to the building from the north and south. The Beecroft Gallery is on the northern side of the museum but set back from the street. The most prominent views of this building are on approach from the north. The proposal is of a significant scale but it is located opposite the site to these buildings so will not impact materially on any existing views of these landmarks. In terms of the scale relationship it is noted that the proposed development is much larger than the museum and gallery but the character of Victoria Avenue is varied and a large scale block on the western side of the street as proposed, would not appear out of place or context within the streetscene on this side of the road. It is also noted that the application has sought to reference the older buildings in the vicinity, including the museum, in its use of red brick and stone detailing. This is seen as a positive reference to the historic context. The impact on the views and setting of the listed museum building and the Beecroft Gallery are therefore considered to be reasonable and, subject to the scheme meeting the remaining criteria in terms of its detailed design, the principle of a tall building in this location is acceptable.
- 4.15 It would be preferable to consider the redevelopment and wider regenerative role of the current application site simultaneously with further redevelopment proposals for the site to the west of the application. This area includes another open car park and is also recognised as a potential development site. However it is considered that this cannot be insisted upon nor can the Council reasonably withhold determination of the current application on that basis because the proposals presented here are entirely self-contained i.e. they do not rely upon the adjacent site for any fundamental design components such as access. Furthermore the essential form and layout of this proposal have been designed so as not to rely upon, nor to materially prejudice, the redevelopment potential of the adjacent site to the west. For example habitable rooms in this proposed development would not rely on principal outlooks across site boundaries to the west. Equally the site to the west is sufficiently large that any constraints created by the prior redevelopment and presence of new buildings within the current application site could be addressed through design. It is also noted that the applicants' Design & Access Statement includes an indicative sketch showing how the neighbouring site could be developed and satisfactorily integrated with the proposed scheme.

4.16 Therefore the effect of this site’s development on the future development potential of the site to the west is primarily an issue to be addressed at the appropriate time by the designers of any future redevelopment proposals submitted for that site. Whether such a proposal comes forward in practise is a matter for the respective site developers. Officers do not consider that this issue alone would constitute a materially defensible reason for opposing the principle of this site’s redevelopment in its self-contained form or for the residential purposes proposed. It is therefore acceptable and policy compliant in the above regards.

Housing Mix and Tenure

4.17 To create balanced and sustainable communities in the long term, it is important that future housing delivery meets the needs of households that demand private market housing and also those who require access to affordable housing. Providing dwellings of different types, including tenure and sizes, helps to promote social inclusion by meeting the needs of people with a variety of different lifestyles and incomes. A range of dwelling types provides greater choice for people seeking to live and work in Southend and will therefore also support economic growth. So the Council seeks to ensure that all residential development provides a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing, to reflect the borough’s housing need and housing demand. Policy DM7 of the Development Management Document requires all residential development to provide a mix of dwelling size and type.

4.18 The Southend-on-Sea Housing Strategy 2011, the Strategic Housing Market Assessment (SHMA) 2017 and the Council’s Community Plan 2011-2021 seek to provide sustainable balanced communities and advise that housing developments will need a range of tenures and size of dwelling. The SHMA has identified a shortage of family accommodation in Southend, despite an acute demand for this type of dwelling. Consequently, to address this shortfall and meet demand, residential development proposals will normally be expected to incorporate suitable family accommodation. The provision of high quality, affordable family homes is an important strategic housing priority in Southend and the Core Strategy highlights a need to retain a stock of larger family housing.

4.19 Policy DM7 seeks a mix of dwellings types and sizes in all new major residential development proposals. This should include providing a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing. The desired mix for major schemes is as follows:

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	9%	22%	49%	20%

Where a proposal significantly deviates from this mix the reasons must be justified and demonstrated to the Council.

4.20 Policy CP8 seeks an affordable housing provision of 30% for residential proposals of 50 dwellings or more. The desired mix for affordable housing is as follows:

No of bedrooms	1-bed	2-bed	3-bed	4-bed
Proportion of dwellings	16%	43%	37%	4%

4.21 Policy DM7 also states that where affordable housing is proposed an indicative tenure mix of 60:40 between social and/ or affordable rented accommodation and intermediate housing is sought respectively.

4.22 In relation to Affordable Housing paragraph 64 of the NPPF (2018) states that ‘where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.’

4.23 The proposal comprises the following housing and tenure mix:

	1 Bed	2 Bed	3 Bed	Total
Market Housing	56 (27%)	136 (66%)	13 (6%)	205 (90%)
Intermediate Housing	15 (65%)	8 (35%)	0 (0%)	23 (10%)
Total	71 (31%)	144 (63%)	13 (6%)	228

The scheme proposes only 10% affordable houses as intermediate rented units. This does not meet the local policy requirement set out above. A viability assessment has been submitted to justify the shortfall. This provides evidence that that the proposal could not support a policy compliant scheme of 30% affordable housing.

4.24 The Council has commissioned an independent appraisal of this viability report. This concurs with the applicant’s conclusion that the development is unviable and cannot support a policy compliant affordable housing provision at this time; however, it recommends that the Council consider a number of options that would enable the council to recoup affordable housing monies if the scheme became more viable in the future. These options include:

- limiting the life of the consent so that works start within a short timeframe – this would enable the Council to reappraise viability if a renewal of permission is sought in the future
- a requirement for a pre-implementation review in the event that the scheme is not substantially implemented within a period of 12 months. (It notes that a technical implementation would not satisfy a requirement for substantial implementation review.);
- the imposition of a late stage review of viability based on actual costs and values to test the accuracy of the report. In this instance if the development is found to viable enough to support an increased level of affordable housing this would be payable as a cash sum to the council in lieu of provision subject to a cap reflecting the compliance with planning policy.

- 4.25 These provisions would ensure that any improvements in the viability of the proposal in future years for example those due to enhanced market values or reduced costs, are captured and the level of affordable housing adjusted accordingly. The Council's preference at this time is for a late stage review mechanism and this option is commonly used in other authorities.
- 4.26 The suggestion of a late stage review has been put to the applicant. At the time of report preparation the applicant has indicated in principle agreement to a review mechanism, but subject to its details. Members will be updated on any further development in this regard. If this is forthcoming a review mechanism could be incorporated into any planning obligations for the proposal.
- 4.27 The Council's Strategic Housing Team recognise that the scheme falls short of the policy requirement in relation to affordable housing provision, mix and tenure however they accept the arguments put forward in terms of viability. It is therefore considered that the proposal for 10% (23 units) of affordable intermediate housing could be considered acceptable in principle at this time subject to the detailed agreement of a review mechanism to assess the actual costs at a later stage in the development process. No S106 agreement has been agreed between the parties and as such this would constitute a reason for refusal at present.
- 4.28 In relation to the practicality of the proposal for affordable housing it is noted that the design and internal layout has not made any provision for a separate core to serve the affordable units. This is often required by housing associations to enable them to control service costs and assist with the management of the units. The Council is not aware that a specific housing association has been engaged for this project and therefore the exact design and operational requirements are unknown. This is not seen to be a positive aspect of the scheme.

Housing Mix

- 4.29 The proposal seeks to build a higher proportion of 1 and 2 bed units and less family sized units than the Council's preferred mix as set out above. Only 13 3-bed units (6%) are proposed. In relation to this issue, the applicant contends that the town centre location and form of development would not be suitable for family housing and that this type of development seeks to provide for 'entry level housing' (young people looking to take their first step on the housing ladder) where the demand is for smaller cheaper units. They have supplied comment from a local estate agent that supports this position.
- 4.30 Taking account of the site context and nature of development proposed, it is considered that the above mix, which includes a limited element of larger 3 bedroom units capable of family occupation plus over 60% two bedroomed units, would make a satisfactory contribution to the Council's housing policy objectives.
- 4.31 The proposal also seeks to provide an element of retail development at ground floor. It is considered that a mixed use development is appropriate for this location which is close to the town centre. This is consistent with opportunity site (PA8.1) of the SCAAP and is seen as a positive aspect of the scheme. It is envisaged that the mix of uses proposed will help to enliven the streetscene and create a mixed community in this area which is in line with the policy objectives for this area and the objectives of the NPPF for sustainable development.

- 4.32 Overall therefore, it is considered that the principle of this form, scale, type and mix of development in this location is consistent with the policies noted above and is acceptable subject to the detailed considerations set out below. However, a suitable contribution to affordable housing has not been secured and this is unacceptable and in conflict with the objectives of policy.

Design, Regeneration and the Impact on the Character of the Area.

Planning Policies: National Planning Policy Framework (2018) (NPPF), Core Strategy (2007) Policies KP1, KP2, CP4; Development Management Document (2015) Policies DM1, DM3, DM4 and DM5; Southend Central Area Action Plan (2018) (SCAAP) Policy PA8 and the Southend Design and Townscape Guide (2009).

- 4.33 Paragraph 124 of the NPPF states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*
- 4.34 The need for good design is reiterated in Policies KP2 and CP4 of the Core Strategy DM1 and DM3 of the Development Management Document and in the Design and Townscape Guide.
- 4.35 In relation to development within the Victoria Gateway Area Policy PA8 states that the Council will *'look favourably on high quality developments and schemes which can demonstrate that they will contribute to the transformation of this area into a vibrant community, which is integrated with the surrounding neighbourhood and set within a remodelled built form of a quality that befits this key gateway to the Town Centre'*
- 4.36 The site is located within a cluster of tall buildings on the west side of Victoria Avenue close to Southend Town Centre. The buildings here vary between 7 and 15 storeys in height and were mainly built between 1960 and the 1980s when there was greater demand for large scale offices. They are mixed in quality and design.
- 4.37 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 with many lying vacant for years. Some of the vacant buildings have been converted to residential flats under permitted development and this has kick started the regeneration of this area. The character of the area is now evolving into a more mixed use community.

Mix of Uses

- 4.38 The proposal is seeking to erect a mixed use development on the site comprising retail uses (A1-A4) at ground level and up to 13 storeys of residential dwellings above. The retail uses will make up the majority of the frontage at ground level facing the street and will provide vitality and activity to the streetscene in this location. The residential uses above will bring footfall into the area supporting the mix of uses. The mix of uses proposed is therefore considered to be in line with Policy PA8 and the objectives of Opportunity Site PA8.1 and the evolving character

of this area as it transforms into a sustainably mixed use community. The mix of uses proposed is therefore considered acceptable and policy compliant.

Scale and Form

- 4.39 The site is flanked by tall buildings of up to 15 storeys. The application site used to contain a tall building of 14 storeys. This was demolished in 2013 and the land has since been used as a temporary car park. The lack of a building here has created a void in the street frontage.
- 4.40 The proposal seeks to erect a new tall building on the site. The proposed frontage element would be 14 storeys at its southern end dropping to 13 storeys at the northern end. This change in height is proposed to help provide a transition between the 16 storeys of Alexandra House to the south and the 12 storeys of Baryta House to the north. To further break up the massing of the building, the frontage has been broken down into a series of smaller elements. The lower two floors, which include the commercial development and the feature entrance, have been designed to form a plinth to the building using a run of arch features to highlight the entrances and provide visual separation to the upper floors. This helps to break the mass of the building horizontally, gives the frontage a human scale at street level and references the scale of the plinth features of the neighbouring Alexandra House and Baryta House and the lesser scale of the buildings opposite. In addition to this a vertical section in the centre of the frontage has been recessed and detailed in darker brick to emphasise the shadowing of the recess. This provides a vertical break in the frontage again helping to reduce the scale of the frontage and to articulate the building's appearance in the streetscene.
- 4.41 To the rear, the accommodation wings have also been stepped down from that of the frontage section creating a hierarchy of scale within the overall form of the building giving greatest presence to the front block where it fronts the main street. The northern wing in particular has also been set in from the northern flank of the main block to reduce its impact in the streetscene and on the neighbouring properties. To the south there is already a break in the streetscene created by the lower rear section of Alexandra House so there is no set back proposed here but a join between the front block and the rear wing will provide a visual break between the two elements of the building and to assist in the transition in scale from the frontage block.
- 4.42 In addition to this the building has significant detailing and articulation to all the elevations including 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 creating a grid pattern to break up the scale of the frontages into more comfortable proportions and to offset the length of the facades. All these elements add layering and articulation to the building and help to break down the scale of the facades.
- 4.43 Overall it is considered that this combination of stepping, recessing and detailing will provide an acceptable transition in the streetscene between the existing neighbouring buildings should also help to break down the scale and massing of the building into more comfortable proportions. It is therefore considered that the form of the development as proposed should not appear over scaled in this context. It is therefore acceptable and policy compliant in the above regards.

Detailed Design

- 4.44 Policy DM4 requires new tall buildings to achieve the highest standards of design, use the highest quality materials and have a positive interaction with the street. Without all these aspects working together the proposal will not be successful at ground level or in wider views.
- 4.45 The façade is broken up into a series of smaller grid elements to reduce the overall mass of the building but the detailing of the facades within this framework is just as important in achieving a well resolved frontage. Larger scale studies within the Design and Access Statement show how the grid pattern is defined with brick recesses, deep reveals, feature balconies and stone banding detail. All of these elements combined provide a layering of the façade, creating shadowing and interest to offset the scale of the building as well as providing a positive reference to the materials of the surrounding area. This level of articulation is a positive feature of the design and is welcomed.
- 4.46 At ground level the grid transforms into a series of double height (two storey) square arches framing the feature entrance to the residential units and the commercial frontages. These arches are framed in stone, referencing the banding above, and incorporate the shopfront glazing and fascia for the retail units and extensive Juliette balconies for the flats at first floor above. Combining these elements into a single repeating feature at ground level provides a positive and distinctive base for the building and this should work well at street level. It is noted that the arches at either end of the front elevation contain the entrances to the refuse store and substation so will not have an active frontage, however, this is a small proportion of the facade as a whole and the same quality of detailing has been applied to these areas to ensure that they blend into the overall design adequately.
- 4.47 The proposal at ground level will be complemented by landscaping within the site and on the area in front of and to the north of the building and this too will have a positive impact on its setting in the wider streetscene.
- 4.48 On the secondary frontages, whilst the overall design approach remains the same it is noted that some aspects of the detailing have been varied, such as changing the tone of the brick and the style of balcony from glass to railing. This will add further variety and interest to the proposal creating a hierarchy of facades and appears to work well.
- 4.49 Some information has been provided in respect to the materials including samples for the 3 tones of brick to be used on the main façade, the secondary wings and the feature recessed elements. The Design Statement also highlights the intention to use white reconstituted stone, frameless glazing balconies and metal windows and doors. These materials are, in principle, sufficiently compatible with the design of the building but full product details of the external materials will need to be conditioned along with the brick and stone detailing to ensure that a quality finish is achieved.

Building Layout

- 4.50 The proposal has a legible arrangement with clear and appropriately designed entrances facing the main street and this should provide a positive and active frontage to the development. This will be supplemented with an enhancement of the landscaping to the front of the building including to the pavement area outside the building and this should provide an adequate setting for the building in the street and contribute to the regeneration of this area. This landscaping is proposed to continue around the building to the north where a shared surface approach is proposed for the second car park access and a potential pedestrian link to Baxter Avenue is proposed. This arrangement appears to work well in principle although the detailed landscaping and materials would need to be conditioned.
- 4.51 In relation to the internal design and layout it is pleasing to see that the two floors of car parking for the development will be located within the building behind the commercial frontage so that it is hidden from public view. It is noted that the parking will be exposed to the rear of the building and will be viewed across the open car park to the rear and through the gap to the north, however its façade is broken into open and closed elements and will be softened with climbing plants.
- 4.52 Internally the flats are accessed via two lift cores which link to the main entrance. This seems to be an efficient arrangement. The layout of the units themselves are generally well planned with the majority of flats having the benefit of some private outdoor space. It is pleasing to see that in addition to the balconies 5 useable areas of communal amenity space which will provide a pleasant outlook for the units as well as a convenient and useable outdoor amenity. Some indicative information has been provided in relation to the landscaping of these areas however full details would need to be conditioned.
- 4.53 The rear wings are set close to the western boundary. Concerns were raised during pre-application stage about the impact this may have on the future development of this adjoining site. To address this the flats to the western flanks of the rear wings have been re-orientated to have their outlook to the north or south with only secondary obscured or non-habitable rooms facing west. The Design and Access Statement also provides a sketch design for the neighbouring site to demonstrate how the two developments could potentially work together. On balance it is considered that this arrangement has addressed the concerns raised in regard to future overlooking whilst also managing to maintain a rear elevation with some articulation. This arrangement is therefore considered to be a reasonable solution to this issue.
- 4.54 Viewed comprehensively it is considered that the resulting massing, detailed design, layout and use of external materials would satisfactorily complete the missing street frontage over this significant section of Victoria Avenue and would be suitably responsive to the mixed character of uses and buildings around the site. The proposed is considered to represent an acceptable standard of design in terms of its appearance therefore justifying the tall building form proposed. The proposal is therefore considered to be acceptable and policy compliant in the above regards subject to conditions controlling the detailing and materials.

Impact on amenity of future occupiers

Planning Policies: National Planning Policy Framework (2018) (NPPF), Core Strategy (2007) Policies KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM8; Design and Townscape Guide (2009); the National Technical Housing Standards

- 4.55 The NPPF aims that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.56 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on future and surrounding occupiers and seek to ensure good relationships between new and existing development.
- 4.57 Policy DM1 of the Development Management Document requires that development provide an internal and external layout that takes account of all potential users.

Internal Space Standards

- 4.58 Policy DM8 states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents.
- 4.59 Paragraph 127 of the National Planning Policy Framework states that planning policies and decisions should ensure that developments '*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.
- 4.60 From the 1st October 2015 the space standards within Policy DM8 of the Development Management Document were superseded by the National Housing Standards concerning internal floor space standards. These standards require:
- Requirement for 86 sqm internal floor space per 3 bed dwelling 5 person dwelling, 74sqm internal floor space per three bed, 4 person dwelling, 70sqm internal floorspace per two bed 4 person dwelling, 61sqm internal floor space per two bed 3 person dwelling and 50sqm internal floor space per one bed 2 person dwelling to ensure the development is in line with Building Control requirements.
 - Minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floor space with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floor space shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of

the Gross Internal Area.

- Provision of a storage cupboard with a minimum floor area of 1 – 1.5sqm should be provided for 1-2 person dwellings, a minimum of 2sqm storage area for a 2 bed dwelling and 2.5 sqm for a 3 bed dwelling.

Weight should also be given to the content of Policy DM8 which states the following standards in addition to the national standards.

- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.61 Policy DM8 also states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations which requires accessible and adaptable dwellings. It is considered that these standards should now provide the basis for the determination of this application.

4.62 The plans supplied with the application demonstrates that all of the proposed development will meet the National Technical standards for individual unit and bedroom sizes and storage provision.

4.63 Lifts serve all proposed dwellings. 10% of the units are wheelchair accessible or adaptable M4(3) standard and the remainder are accessible dwellings M4(2) standard. This too meets the policy requirement.

Daylight and Sunlight for Future Occupiers

4.64 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 the majority (442 out of 619 (71%)) of the habitable rooms within the proposed development will meet the BRE guidance level for Average Daylight Factor. The consultant considers this to be a good result for a large development in an urban environment.

The study also comments that the majority of rooms (388 out of 619 (63%)) will achieve the Daylight Distribution recommended target which they also consider to be a good result in this context. It also states that 318 out of 393 windows (81%) will achieve the Annual Probable Sunlight Hours recommended target. The shadow analysis also confirms that the amenity spaces will meet the BRE guidelines in relation to sunlight for amenity spaces.

- 4.65 The Council's Environmental Health Service has reviewed this document and has not raised any objections to the standard of the proposed accommodation in terms of daylight and sunlight. While the conditions in a number of the rooms are found to be less than ideal the proposal is on balance considered to be acceptable and policy compliant in this regard when considered in the round.

Amenity Provision

- 4.66 The proposal has a good level of outdoor amenity space. All but 7 of the units benefit from a useable private balcony or roof terrace suitable for seating, dining and drying clothes and are positioned conveniently, connecting to the dining/living rooms of each unit. The remaining 7 units have more than one Juliette balcony overlooking the forecourt. In addition all future residents will have access to some 1600sqm of semi-private communal amenity space, provided above the car park at second floor level and as roof terraces above both the rear wings. The total provision of outdoor amenity space for residents is considered acceptable and compliant with the objectives of Policies CP8, DM3 and DM8.

Noise

- 4.67 A Noise Assessment has been submitted which considers the site's prevailing noise climate and assesses potential noise impacts that may affect future occupiers particularly from the adjacent road. The assessment concludes that standard double glazing with a minimum R_w reduction value of 32 dB and trickle vent ventilation, as proposed, would address any potential noise concerns related to road traffic noise, predominantly in Victoria Avenue and would achieve the relevant internal standard in British Standard 8233.
- 4.68 The Noise Assessment's conclusions have been reviewed by the Council's Environmental Health Service. They comment that the report has failed to consider the potential noise from the A3/A4 uses within the proposed development or the noise potential from any associated extraction including any structure borne noise on the future or neighbouring residents. It is also noted that the report is based on noise measurements taken at ground level and as such has not fully considered the potential for high level noise from nearby rooftop plant on upper level flats. An updated noise report was requested but has not been forthcoming, however, it is considered that this could be required by condition. The condition would also include a requirement to implement any associated noise mitigation measures such as an improved glazing specification or sound insulation for the proposed commercial units.

- 4.69 Overall it is considered that, subject to the suggested condition, the proposal would provide an acceptable standard of accommodation for future occupiers and is policy compliant in this regard.

Impact on the Amenity of Neighbouring Occupiers

Planning Policies: National Planning Policy Framework (2018) (NPPF), Core Strategy (2007) Policies KP2, CP4, CP8; Development Management Document (2015) policies DM1, DM3, DM8; Design and Townscape Guide (2009); the National Technical Housing Standards

- 4.70 Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. 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 as 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.
- 4.71 In relation to the impact on neighbour amenity Development Management Document Policy DM1 states *'In order to reinforce local distinctiveness all development should:....iv) 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'*
- 4.72 In relation to infill development Policy DM3 states *' All development on land that constitutes infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals..(i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents'*
- 4.73 In relation to the creation of new landmark buildings Southend Central Area Action Plan Policy DS3 states *'The Council will support and encourage the creation of new landmarks in the areas identified within Table 3 [including Victoria Avenue],where development proposals must demonstrate that.....c. the proposals do not adversely affect the amenity of local residents;.'*
- 4.74 The proposed development has its main length of frontages and outlook facing east, north and south. The western elevation comprises the shorter flank elevations of the rear wings only which have no outlook, only secondary light sources from obscure glazed windows.
- 4.75 The closest residential neighbour to the site is the recently converted Baryta House to the north. At the eastern end there is a separation distance of 10.7m between the main front block of the proposal and the first floor windows of Baryta House. This increases to 14.6m above first floor where the flats in Baryta House step back. Behind the front block the rear wing of the proposal steps back to provide a separation distance of some 23m above the two storey car park plinth.

Interlooking and Privacy

- 4.76 In order to prevent any overlooking of the first floor front units of Baryta House, which are the closest to the proposal at 10.7m and which was raised as a concern during the pre-application process, the internal layout of the proposal has been amended in regard to the north eastern first and second floor flats to provide only secondary or non-habitable room windows facing north. As secondary and non-habitable room windows these can be conditioned to be obscure glazed without impacting on outlook for future residents of these units. It is considered that this change to the internal arrangement would prevent material interlooking between the first and second floor flats at the north east corner of the development and the closest first floor flats in Baryta House and is now acceptable.
- 4.77 Above second floor the internal layout of the proposed front wing of the development changes to include one habitable room window to bedroom 2 and two secondary windows to the living area and bedroom 1 facing north. However, above second floor level the flats of Baryta House are located in the main tower which has an increased separation distance to 14.6m from the proposal. On balance it is considered that this separation distance is reasonable in an urban context especially as the windows in the proposed development are not the principal outlook and mitigation could be achieved through the use of conditions.
- 4.78 Behind the front block the northern rear wing is set back further and a separation distance of over 22m achieved to the tower of Baryta House. The proposed flats in this wing have their primary outlook towards Baryta House, however, the separation distance proposed is considered to be reasonable in the context of the site and the characteristics of that neighbouring development and should not result in material inter looking between the buildings.

Outlook and sense of enclosure

- 4.79 The proposed building will also impact on the outlook and sense of enclosure for the neighbouring buildings but particularly for those residents of Baryta House which face the development site. The change in outlook for these residents will be significant, however, it is recognised that the site is within an urban location and in this town centre context properties often outlook onto other buildings of a similar scale and height. The separation distances between the proposal and Baryta House are considered on balance to be sufficient to ensure that the existing residents of Baryta House would not feel that the development was materially overbearing or giving rise to an unacceptable sense of enclosure. The design and significant articulation of the proposal also helps to offset the impact of the proposal in this regard. The scale and siting of the development is therefore considered reasonable in terms of its impact on outlook on the neighbouring properties. It should be noted that the impact on daylight and sunlight is a separate consideration which is assessed below.

Daylight and Sunlight

- 4.80 It is also necessary to consider the impact of the proposed development on the future sunlight and daylight conditions for residents of Baryta House and the closest residents of Baxter Avenue within Catherine Lodge. There are specific British Standard guidelines for assessing daylight and sunlight impacts of new development. These include measurements for changes in:

- Vertical Sky Component (VSC) which is a measure of the amount of sky visible from a centre point of a window.
- Daylight Distribution (DDR) and No Sky Contours (NSC) which is a measure of the distribution of light within a room including determining the point at which there is no view of the sky
- Average Daylight Factor (ADF) which is a measure of the amount of daylight in a room
- Annual Probable Sunlight Hours (APSH) which is a measure of how much sunlight a window can receive
- Overshadowing diagrams for various point throughout the year.

Daylight and Sunlight Impact on Baryta House

- 4.81 In addition to assessing the quality of light for the future residents of the development the submitted Daylight and Sunlight Assessment considers the daylight and sunlight impacts on the neighbouring residential properties. In relation to Baryta House it concludes that:
- given the close proximity of the development, there would be a noticeable reduction in terms of VSC although it notes that several rooms affected are dual aspect so will be less affected. [The plans show this to be 3 rooms.]
 - there will be a noticeable reduction in terms of DDR to several of the rooms
 - the APSH results are positive with only 2 out of 145 windows noticing a reduction in sunlight availability
- 4.82 The consultant concludes that this is a good result for a tall building and that the impacts of the scheme on Baryta House are acceptable.
- 4.83 It is noted that Baryta House currently enjoys an open aspect to the south where it faces onto a large surface car park. The rooms within Baryta House which face the development site therefore currently enjoy good levels of daylight and sunlight. It is accepted that a development on the application site will have an impact on the daylight and sunlight to these units however the issue is whether the proposed development would result in unacceptably poor daylight and sunlight to Baryta House or whether this impact is reasonable.
- 4.84 Notwithstanding the report conclusions from the applicants consultant noted above, the detailed results of the submitted daylight and sunlight report shows there to be a significant impact on Baryta House. In terms of VSC the results show that whilst 54% would pass or have a negligible impact 46% of windows would be noticeably affected including 12% being severely affected. In terms of DDR/NSC the results show that 41% of the rooms in Baryta House would pass or be negligibly affected and that 59% would have a noticeable impact including 18% which would be severely affected. In addition the associated diagrams show the no sky contour to be noticeably increased within the rooms on the lower floors in particular. In relation to ADF the results show that 54% of rooms would pass or be negligibly affected whilst 46% would have a noticeable impact including 1% having a severe impact. In relation to ASPH 143 of the windows passed with only 2 severe failures.

- 4.85 The Councils Environmental Health Service has reviewed the report and has raised significant concerns in relation to the impact both on daylight and sunlight for the residents of the lower floors of Baryta House (ground, first and second floor in particular).
- 4.86 It is therefore considered that the proposal has failed to demonstrate that the development will have an acceptable impact on the daylight and sunlight to habitable rooms within Baryta House particularly in relation to those units on the ground, first and second floor. The proposal is therefore considered to have an unacceptable impact on the amenities of neighbours in this regard, is unacceptable and contrary to the policies noted above.

Overlooking, Daylight and Sunlight Impact on Catherine Lodge

- 4.87 The next nearest residential properties are Catherine Lodge to the west of the site on the west side of Baxter Avenue. Catherine Lodge is 74m from the rear of the proposal and 101m from the closest habitable room window. The submitted Daylight and Sunlight Assessment concludes that there would be a very minimal impact on the resident of Catherine Lodge and the separation distances are considered to be sufficient to ensure that the proposal will not have a detrimental impact on the amenities of residents of Catherine Lodge.
- 4.88 The Councils Environmental Health Officer agrees that the impact on the Daylight and Sunlight to rooms within Catherine Lodge will be minimal and can be considered acceptable.

Impact on other neighbouring buildings

- 4.89 No other residential properties are materially affected by the proposal. The remaining buildings around the site are commercial including Alexandra House to the south which is 8.7m to the boundary and 43m to the main building and Cumberland House to the west which is 15.6m from the rear elevation.
- 4.90 The nature of the development and the separation distances are such that it is considered that the proposal would not have a detrimental impact on the amenities of the adjacent commercial buildings.

Noise

- 4.91 As noted above a noise assessment was submitted with the application although this did not consider the potential noise from the proposed A3/A4 uses within the development. This aspect of the proposal has the potential to impact on neighbouring residents in particular those within Baryta House. The site is within a town centre location where mixed uses are expected and it is therefore considered that this aspect of the proposal could be controlled by planning conditions requiring a full noise assessment to be undertaken and any recommended mitigation measures implemented. It is also considered that noise from any outside dining could be controlled by conditions relating to hours of use. Subject to these conditions, this aspect of the proposal is therefore considered to be acceptable and policy compliant.

- 4.92 Planning conditions could be imposed, were the proposal otherwise acceptable, to control the development's impact on neighbours arising from construction/ demolition operating hours, construction method and similar environmental considerations if the development was found to be acceptable in all other regards.
- 4.93 Overall, whilst it is considered that the development would have an acceptable impact in terms of privacy and outlook for the surrounding buildings and in terms of daylight and sunlight for Catherine Lodge and the neighbouring commercial buildings and potential noise from the proposed A3/A4 units, the impact on the daylight and sunlight for the residents of Baryta House is considered to be significant and in some cases severe. This aspect of the proposal is therefore unacceptable and contrary to policies DM1, DM3 and DS3 of the development plan.

Traffic and Transportation

National Planning Policy Framework (2018), Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007) Policies KP2 and CP3, Policy DM15 of the Southend-on-Sea Development Management Document (2015), Policy PA8 of the SCAAP (2018) and the Design and Townscape Guide (2009)

- 4.94 Policy CP3 of the Core Strategy seeks to widen travel choice and improve road safety. Policy DM15 states that *'Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.'*
- 4.95 In relation to parking Policy DM15 of the Development Management Document states that one off-street parking space should be provided for each dwelling however it notes that *'Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.'*
- 4.96 In relation to parking for new commercial development in the town centre Policy DM15 seeks a maximum of 1 space per 18sqm for A1 food retail, 1 space per 35sqm for A1 non-food retail, 1 space per 30sqm for A2 uses and 1 space per 6sqm for A3 or A4 uses.
- 4.97 Policy PA8 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.
- 4.98 Policy DM15 requires new residential flats to provide a minimum of 1 secure cycle space per unit. Additional cycle spaces are required to serve the commercial units.
- 4.99 Policy DM15 requires all major developments to accommodate servicing and emergency vehicle access.

Access

- 4.100 It is noted that there are a full range of facilities, amenities and services including a variety of public transport modes within walking distance of the site. It is therefore recognised as being in a very sustainable location.
- 4.101 The proposal site is accessed from the Victoria Avenue service road which runs parallel to the main carriageway. The existing car park has two points of entry with single width crossovers. It is proposed that the positioning of these be amended to serve the development. Two accesses to the car park are proposed. Both will be two way. The northern access is set within the site. The southern access is ramped and runs under the second floor amenity terraces. Two laybys are proposed on the street at the front of the site to enable servicing of the building including the commercial units and emergency access.
- 4.102 The Council's Highways Officer has no objections to the proposed accesses and loading arrangements subject to the developer paying for the amendment of the service road to provide the loading bays and for the alteration of the traffic regulation order. This would need to be secured through planning obligations.

Traffic generation

- 4.103 A Transport Assessment has been submitted with the application. This considers the traffic impacts arising from the proposal as compared with the existing situation. This report comments that the TRICS analysis has revealed that the proposed development is likely to lead to a decrease in vehicle movements on the local road network as compared to the existing use as a car park and it therefore concludes that the proposal would not have a material impact on the highways network. The Council's Highways Officer agrees with this conclusion.

Car Parking

- 4.104 The proposed development provides parking for 183 vehicles including 2 spaces for the commercial units and 23 disabled parking spaces, which equates to 0.8 spaces per unit. This falls below the 1:1 parking standards. In justifying the case for reduced parking provision the Transport Assessment comments that the central area has a much lower car ownership with 48.6% of households not owning a car at all as compared to 27.3% for the Borough as a whole and a significantly lower ownership of cars overall. On this basis it has calculated that the parking requirement for the development should be 0.67 per unit. A greater provision of 0.8 cars per unit is proposed. On this evidence and given the very sustainable location of the site close to Victoria Station and the bus interchange it is considered that a reduction from 1:1 parking to 0.8 is justified. The Council's Highways Officer has no objection to this element of the proposal however he comments that the provision of a Travel Plan and Travel Packs for future occupiers should be secured via a S106 to provide information and incentives to occupiers to use public transport. These should also include information on car clubs, electric vehicle charging and cycle hire.
- 4.105 The Car Park Management Plan states that the proposal will also include electric charging point although no numbers are given and these are not identified on the plan. The inclusion of electric charging points is in line with policy PA8 and is welcomed. It is considered that the number and location could be agreed by condition if the development was found to be acceptable in all other regards.

Cycle Parking

- 4.106 Space for 228 cycles, 1 per residential unit, is proposed at ground floor within the building in two locations. The plans show these locations to be convenient and secure for users. This element of the proposal is therefore considered to be acceptable and policy compliant. No cycle parking is proposed for the commercial units however it is considered that there would be scope for additional cycle stands to be located on or within the vicinity of the site. This could be secured by condition if the development was found to be acceptable in all other regards.

Servicing/ refuse

- 4.107 Residential refuse storage is provided at two locations within the ground floor of the front block at either end of the development with access to the street for collection. The Councils Waste Management Officer has no objections to the proposed residential waste provision which is in accordance with Council guidelines.
- 4.108 The Car Park Management Plan contains some information in relation to refuse management including storage and collection, however, given the scale of the development a full Waste Management Plan will be required. This will need to include details of how the euro bins are arranged to facilitate access and collection, the detailed collection arrangements in relation to the use of the loading bays and access to the store doors and how the development will promote recycling. It is considered that this could be secured via a condition if the development were otherwise found to be acceptable.
- 4.109 It will also be necessary to ensure that the proposed service bays are suitable and available to accommodate a fully laden refuse freighter. It is considered that this can be achieved as part of the highways works and using the proposed amendments to the traffic regulation order to control use of the loading bay. These items would be covered in a S106 agreement.
- 4.110 It is noted that the plans do not include a separate commercial bin store area however, it is considered that there is scope for this to be provided at ground floor and, if the proposal was found to be acceptable in all other regards, details could be secured via a condition requiring design details to be submitted. As noted above a separate condition relating to a waste management strategy would also be required.

Pedestrian linkages

- 4.111 The development has made provision for a new public pedestrian link along the northern edge of the site. This has the potential to link up with a similar provision in any future development to the west of the site improving the east west permeability of the area. This is in line with the policy aspirations for this area and is welcomed. The landscaping plan provides some indicative detailing in respect to the landscaping of this area. Full details of this including planting, paving, lighting and boundaries could be agreed by condition if the development was found to be acceptable in all other regards.

Construction

- 4.112 Given the scale and location of the development it will be necessary for a construction management plan to be submitted to ensure that the free flow of traffic is not disrupted. This could be required by condition if the development was found to be acceptable in all other regards.
- 4.113 Having regard to the applicant's detailed application and the information supplied with their Design and Access Statement and Transport Assessment it is considered that overall the proposal will not have a detrimental impact on the local highway network. Therefore no highway objections are raised. The applicant will be required to enter into the appropriate highway agreement to carry out all work on the public highway. A Financial Sum associated with any Traffic Regulation Order deemed necessary in association with the highway works which would involve carriageway /footpath re-alignment, the creation of new site access and loading bays and physical measures and road markings could be covered by a Section 106 agreement.

Sustainable Construction

National Planning Policy Framework (2018) (NPPF), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM2 of the Southend-on-Sea Development Management Document (2015) and the Southend-on-Sea Design and Townscape Guide (2009)

- 4.114 Policy KP2 of the Core Strategy states that *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. 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), such as those set out in Design and Townscape Guide"*.
- 4.115 The submitted proposals are supported by an Energy Statement which states that it is the intention to install 260 PVs on the roof to provide renewable energy for the development. The strategy has also applied a 'be lean' and 'be clean' approach to the build which is stated to reduce the overall demand for energy and therefore the renewable energy requirement will be reduced. It is noted, however, that the energy report relates to an earlier version of the proposal which had only 225 units and therefore a slightly lesser demand for energy. It is therefore likely that the energy usage for the current proposal will be slightly higher.
- 4.116 The statement concludes that the 260 PV panels proposed will provide 7.43% of the energy requirements and an 18.24% reduction in CO₂. (based on a 225 unit proposal) This falls short of the 10% energy requirement in policy KP2 however, it is considered that, if the development were found to be acceptable in all other respects, a condition could be used to secure 10% through renewable technologies so complying with the Council's policy.

- 4.117 The site is located in Flood Risk zone 1 (low risk). Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 4.118 A Drainage strategy has been submitted which concludes that the soil conditions are such that infiltration is unviable therefore it is proposed to utilise the existing surface water connections to the public sewer located in Victoria Avenue. Anglian Water has confirmed that this sewer has capacity for this scale of development at the restricted discharge rate proposed. In order to ensure a restricted discharge in times of high rainfall, attenuation measures including underground geocellular storage tanks are proposed beneath the undercroft parking area. The drainage strategy states that the floor levels of the building will be set at 150mm higher than the car park level to prevent flood water entering the building. The Council's Drainage Engineer is supportive of this approach but considers that further details need to be submitted in relation to infiltration testing, the location of manholes, how 1 in 100 year event exceedance flows will be managed and future management and maintenance. It is considered that these requirements could be secured via a condition if the development was otherwise found to be acceptable.
- 4.119 Policy DM2 of the Development Management Document part (iv) requires 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 will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. This could be secured by condition if the development was otherwise found to be acceptable.
- 4.120 In summary, subject to imposition of conditions the sustainable construction implications would be acceptable and policy compliant.

Other matters

Archaeology

- 4.121 The Archaeology desk top study submitted in support of the application concludes that the site has a low theoretical archaeological potential and does not identify any need for additional mitigation measures. The Council's Archaeology advisor agrees with this recommendation.

Landscaping, Biodiversity and Nature Conservation

- 4.122 The NPPF states that the planning system should contribute to and enhance the natural environment including protecting biodiversity. Planning decisions must therefore prevent unacceptable harm to biodiversity and impose adequate mitigation measures where appropriate. The site itself has no ecological designation.

- 4.123 An ecologist's Phase 1 habitat survey has been carried out in support of the application. The site is not subject of any statutory ecological designations. On the basis of field observations the ecological report concludes that the site is of low nature conservation importance. It recommends that there are opportunities to increase the biodiversity of the site in terms of its landscaping.
- 4.124 An indicative landscaping scheme has been submitted with the proposal. This includes roof gardens including green and brown roofs, climbing plants against the building to the rear and north side to provide some softening to the car park and ground level landscaping to the front and north sides of the building. The Councils Parks officer notes that the proposed plant species do seek to encourage year round interest and include some plants which provide benefits to pollinators and this aspect of the proposal will contribute to local biodiversity and this is welcomed. If the proposal were found to be acceptable in all other regards a full landscaping scheme including a management plan could be conditioned.

Contaminated Land

- 4.125 The site has been in use as a commercial car park so a Tier 1 Contamination Study has been undertaken in support of the application to consider the potential for contamination on site. The site has been assessed as having a moderate risk of contamination arising from possible made ground following the demolition of the previous building; fuel spills associated with the car park use and electrical substation and associated contaminants. The Tier 1 report recommendations advise that further soil testing and gas monitoring is warranted.
- 4.126 It is considered that, if the development were otherwise found to be acceptable, conditions could be imposed to require the recommendations in the report to be undertaken including further soil testing and any associated remediation of the land prior to the commencement of development. This aspect of the proposal is therefore considered to be acceptable subject to these conditions.

Planning Obligations

The National Planning Policy Framework (2018) and Planning Practice Guidance (NPPG), Southend Core Strategy (2007) strategic objective SO7, policies KP3, CP7 and CP8; Development Management Document (2015) policy DM7 and A Guide to Section 106 & Developer Contributions (2015)

- 4.127 Paragraph 56 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.*
- 4.128 Paragraph 57 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.'*

4.129 The National Planning Practice Guide makes it clear that *'Where local planning authorities are requiring affordable housing obligations or traffic style contributions to infrastructure, they should be flexible in their requirements...On individual schemes applicants should submit evidence on scheme viability where obligations are under consideration.*

4.130 Core Strategy Policy KP3 requires that:

"In order to help the delivery of the Plan's provisions the Borough Council will:

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

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

4.131 The need for negotiation with developers, and a degree of flexibility in applying affordable housing policy, is echoed in Core Strategy policy CP8 that states the following:

The Borough Council will:

...enter into negotiations with developers to ensure that:

.... all residential proposals of 10-49 dwellings or 0.3 hectares up to 1.99 hectares make an affordable housing or key worker provision of not less than 20% of the total number of units on site...

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall in affordable housing.

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

4.133 A development of this scale would require the provision of 30% affordable housing as Policy CP8 of the Core Strategy states that the Council will *'enter into negotiations with developers to ensure that...all residential proposed of 50 dwellings or 2 hectares or more make an affordable housing or key worker provision of not less than 30% of the total number of units on the site.'* As such the development would require the provision of 69 affordable units to meet that proportion.

- 4.134 The developer is proposing a reduced affordable housing provision on viability grounds. 23 units of intermediate affordable housing (15 x 1 bed, 8 x 2 bed) are proposed which equates to 10% of the units. As discussed above the independent viability appraisal recommends that this level of affordable housing is accepted but it also recommends that a review mechanism be included in the S106 to enable a late stage review of costs to determine if the viability of the project has improved and whether an additional contribution to affordable housing should be sought. This has been suggested to the applicant. They have informally indicated that a review mechanism would be agreeable in principle. The detailed content and structure of this would need to be formally captured within the S106 Legal Agreement.
- 4.135 The Education Team has confirmed that a contribution of £142,606.54 would be required for the Eastwood Academy expansion to mitigate the impact of this development.
- 4.136 It is considered that the requirement to include the provision of a pedestrian link from the site to Baxter Avenue could be satisfactorily controlled through a planning condition were the proposal otherwise acceptable.
- 4.137 The following additional S106 contributions would also be sought in relation to this proposal :
- Costs associated with any Traffic Regulation Order deemed necessary in association with the highway works.
 - The provision of Travel Packs for residents and commercial operators and Travel Plan Monitoring.
 - Public realm works on the highway to the front of the site.
- 4.138 The above addresses the specific mitigation for the proposed development for matters not addressed within the Regulation 123 Infrastructure List.
- 4.139 The contributions noted above are considered to meet the tests set out in the CIL Regulations 2010. Without these contributions the development could not be considered acceptable. A draft S106 is currently being prepared but at the time of report preparation has not been formally agreed or completed. In the absence of a signed agreement the application cannot be considered acceptable. A reason for refusal to this effect is included within Section 10 of this report.

Community Infrastructure Levy

- 4.140 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

5.0 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development is unacceptable, would be contrary to the development plan and is therefore recommended for refusal. The proposal fails to provide adequate living conditions for the existing occupiers of Baryta House by reason of inadequate levels of daylight and sunlight to some of the habitable rooms particularly at the lower levels. No S106 legal agreement has been completed to date to secure appropriate contributions for affordable housing, including the incorporation of a satisfactory review mechanism, secondary education facilities, and highway matters and this is also unacceptable. The scheme therefore fails to provide affordable housing to meet local needs, fails to mitigate the resulting increased pressure on local education infrastructure and fails to deliver necessary changes to the highway network and transport mitigation.
- 5.2 The benefits of the proposal do not outweigh the significant and material harm identified and the application is therefore recommended for refusal.

6.0 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018) : Achieving sustainable development,
- 6.2 Core Strategy (2007) Policies- Key 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 (The Environment and Urban Renaissance); CP6 (Community Infrastructure); CP8 (Dwelling Provision).
- 6.3 Development Management Document (2015) Policies: Policy DM1 – Design Quality; Policy DM2 – Low Carbon Development and Efficient Use of Resources; Policy DM3 – Efficient and Effective Use of Land; Policy DM4 – Tall and Large Buildings, Policy DM5 – Historic Environment; Policy DM7 – Dwelling Mix, Size and Type; Policy DM8 – Residential Standards; DM10 – Employment Sectors; Policy DM11 – Employment Areas; Policy DM15 – Sustainable Transport Management.
- 6.4 The Southend Design & Townscape Guide (2009).
- 6.5 Southend and Central Area Action Plan (SCAAP) Revised Proposed Submission Document (2016). Policies PS8, DS2 and DS3.
- 6.6 CIL Charging Schedule 2015, Regulation 123 List
- 6.7 National Housing Technical Standards 2015
- ## **7.0 Representation Summary**

7.1 Airport Director

Our calculations show that, the proposed development would conflict with the safeguarding criteria unless any planning permission granted is subject to the following conditions:

- The overall height of the building to the tallest part is no greater than the closet existing building measured at 52.07m

We will therefore need to object to these proposals unless the above mentioned condition is applied. It is important that any conditions requested are applied to a planning approval. Where a Local Authority proposed to grant permission against the advice of London Southend Airport Company Ltd, or not to attach conditions which London Southend Airport has advised, it shall notify London Southend Airport Company Ltd and the Civil Aviation Authority as specified in the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Please note that if you require a crane or piling rig to construct the proposed development, this will 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.

[Officer Comment: It is noted that the maximum height of the proposal including lift overruns is 38cm above this threshold, however, given this is a marginal breach, it is considered that the maximum height of the development could be adjusted via a planning condition relating to levels to ensure that this criterion is met.]

7.2 Traffic and Highways

228 dwellings are proposed in the development, 181 residential parking spaces have been provided which include 23 accessible parking spaces. 228 secure cycle spaces have been provided. 2 external commercial parking spaces are also provided.

Residential / Commercial car parking spaces located on the ground and first floor are accessed directly from Victoria Avenue Service Road as will the secure cycle parking. The applicant will be required to enter into the appropriate highway agreement. Entrance to the parking areas will have a height restriction of 2.6m to allow for larger vehicles and the car park layout has been designed to ensure the vehicles can manoeuvre effectively. Electric charging points will also be provided.

Commercial serving will be undertaken from a dual loading and parking bay to the front of the site. Loading will be restricted to ensure that the operational movements do not impact on the public highway or impact on refuse collection. The applicant will be required to fund the traffic regulation order for the conversion of the existing bays. Refuse access doors should not open out over the public highway.

The site is located within the central area of the town and is in a sustainable location with good access to public transport links in close proximity. Rail, Bus and Cycle routes are all readily available. Local amenities are also with a short walking distance from site.

Travel Packs should be conditioned and are to include free travel tickets for bus and rail, free sign up to Motionhub.org which is the car club and bike hire scheme in Southend and to include some free hours for the car club vehicles and hire bikes.

The applicant is also encouraged to provide car club vehicles that the residents can hire. The car club company that Southend Council use is Ecar, which is part of the Motionhub scheme. There are a number of car club vehicles around the town that the development can use and market as part of their Travel Packs and Travel Plan.

The applicant has also provided a travel plan within the application. The applicant will be required to carry out effective monitoring of the travel plan provided. This should be conditioned and agreed with the Travel Engagement Manager.

The applicant has provided a comprehensive Transport Assessment and has used TRCIS analysis and Census information to inform the impact of the development on the public highway. The Transport Assessment has also taken into considered the existing use of the site which currently is a 162 vehicle car park. The Transport Assessment has demonstrated that the proposal will not have a detrimental impact on the public highway and surrounding areas.

The applicant will be required to provide a construction phase plan for the construction phase of the development to ensure that the public highway and the free flow of traffic is not disrupted. This should be conditioned.

Having reviewed the application there are no highway objections to the proposal.

7.3 Waste Management

The proposed development consists of 228 flats (71 x 1 bedroom, 144 x 2 bedroom and 13 x 3 bedroom). Based on this quantity of properties the proposed north bin store containing 24 euro-bins and the south bin store containing 26 euro-bins, totalling 50 euro-bins, appears adequate. Based on our developer guidance the minimum should be 19 recycling and 28 waste, total of 47 bins. So there may be options for including Food waste only bins.

It appears that the proposal is for collection vehicles to park in two loading/unloading areas located on the slip road of Victoria Avenue. It is unclear if the proposal has been accepted bearing in mind we believe this to be public highway. There is also a concern that the commercial units are sharing the loading/unloading areas and there may be conflict over use – it is suggested that there should be restrictions on the timings for the commercial unloading.

It is noted that there is a large quantity of euro-bins proposed for each bin store and consequently this may result in the collection vehicles being parked for a significant period of time in the loading areas (see above). This may have implications for the commercial units.

It is recommended that due to the large number of euro-bins any waste management strategy for the site should include detailed plans for managing this space, including but not limited to:

- How the bin store will be laid out (access/walkways painted and parking bays for bins to ensure no issues with access, possibly bins numbered/bays numbered – useful if any problems with collections);
- How usage will be controlled (experience shows residents tend to overfill bins closest to the access point into the bin store, rather than walk further); bins may need to be locked to prevent use or overfilling (how will this be organised)?

It is noted that the proposal includes commercial units but it is unclear where the commercial waste would be stored. Household waste and commercial waste must be kept separate and not mixed. The waste management plan must include details of how the commercial waste and residential waste will be kept separate.

It appears that residents will be required to bring their waste to either of the bin store areas. Our experience is that residents in this type of accommodation tend to be less interested in separating their recycling from their residual waste. For example why carry two bags downstairs, when you can just carry one. The waste management plan should include details of how residents will be encouraged to recycle.

[Officer Comment: The lack of a dedicated commercial bin store is noted but it is considered that there is space for this to be accommodated at ground floor and that details of this could be secure via a condition. It is also considered that, if the development were otherwise found to be acceptable, a condition could be imposed to require the submission of a waste management plan to cover the points raised above.]

Environmental Health –

- 7.4 The Application is for the Erection of Part 14/Part 15 Storey Building Comprising of 228 Flats. The Application proposes to have A3 and A4 Use. The Design/Access /Planning Statements, Noise Statement by Stansted Environmental Services dated 20th April, Daylight and Sunlight Report by Calfordseaden dated June 2018, revised 02/08/2018 reference K180345/CS/G3 and the Phase 1 Desk Study and Preliminary Risk Assessment by Stansted Environmental Services dated 01/11/2017 have been reviewed.

Noise implications

The Environmental Noise Assessment by Stansted Environmental Services dated 20th April, 2018 has been reviewed. It is noted that the contents mainly deal with road traffic noise, from A13 and A127. It has not considered the potential noise from the proposed A3/A4 uses within the proposed development or any noise associated with extraction including structure borne noise. The report has also failed to consider any noise from plant associated with the neighbouring buildings. The report needs to be updated and it may be that the glazing specification will need to be upgraded to provide greater noise mitigation.

[Officer Comment: The agent has been advised of the deficiencies in relation to the noise report but an updated report has not been received. It is however considered that the noise impacts on future residents could be controlled via planning conditions requiring further details to be submitted if the proposal were otherwise found to be acceptable.]

Daylight and Sunlight Implications

The Daylight/Sunlight Report by Calford Seadon dated 02/08/2018 Revision 2 has been reviewed and EH has concerns with the report in respect of Bayrta House due to the nature/extent of the impact from Ground Floor to 2nd Floor which is Significant.

Daylight:

- 1) VSC in paragraph 6.3.3 and 6.3.4 does show significant impact
- 2) DDR/NSC in paragraph 6.3.4 does show significant impact
- 3) ADF in paragraph 6.3.8 and 6.4 does show significant impact

Sunlight:

- 1) APSH in paragraph 6.7.1 and 6.8 show minimal impact

In the Summary/Conclusion – paragraph 7.2 shows that there is overall impact on Bayrta House

The one deficiency in the report is that it does not provide window maps.

The impact on Bayrta House from the proposed scheme is contrary to Council Policies DM1 (iv) and DM3 (1)

Strategic Housing

7.5 Affordable Housing Provision

Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is summarised below:

- 10 to 49 units or 0.3 to 1.99 hectares = 20%,
- 50+ units or 2+ hectares = 30%

Therefore a minimum of 30% affordable housing is required, which equates to 69 units of affordable housing.

The applicant has proposed a 10% contribution to affordable housing on viability grounds which has been accepted by the council's appointed consultant BPS. The Strategic Housing team would be supportive of the inclusion of a review mechanism in the S106 to assess the inclusion of affordable housing at a future date should the financial circumstances of the development change.

Affordable Housing Dwelling Mix

In terms of dwelling mix the Strategic Housing Team will take into consideration

Policy DM7 which outlines the Council’s affordable dwellings mix. Furthermore, the current housing need as evidenced by the Council’s Housing Register data is also taken into consideration when assessing proposed dwelling mixes.

Preference based on HR data (high priority bands)					
AH Breakdown	Preferred	Applicable	Revised %	Exact Units	Rounded Units
1 bed	35.13	35.13	0.36	24.83609	25
2 bed	38.57	38.57	0.40	27.26809	27
3 bed	23.05	23.05	0.24	16.29581	17
4 bed	2.79		0.00	0	0
5 bed	0.37		0.00	0	0
Total					69

However, the submitted viability report has proposed a mix of 15 one bedroom, and 8 two bedroom units are achievable, which has been verified by the Council’s viability consultants.

Affordable Housing Tenure

As indicated in Development Management Document Policy DM7 we would request tenure mix of: - 60/40% (60% rented, 40% intermediate housing). This equates to 41 affordable rented units, and 28 shared ownership.

Weston Homes are proposing 100% intermediate housing on viability grounds, which the Council’s appointed consultant has agreed with.

Affordable Housing Scheme Design

Each affordable housing unit must meet their respective size standard as outlined in the “technical housing standards – nationally described space standard”

Registered Providers often prefer separate cores/floors for different tenures for management/service charge reasons. However the applicant is not proposing a separate core on this application although there appears to be the opportunity to provide the affordable housing in this manner.

We recommend that the applicant contacts Registered Providers urgently to determine both their interest in the units and how the current design may be affected by their requirements. The Council is mindful that affordable housing should not be designed out of schemes.

Parks

- 7.6 The plans are commendable for providing a selection of plants to not only offer a variety of cosmetic interest throughout the year, but also include some plants which provide benefits to pollinators. The inclusion of green and brown roofs in the rooftop gardens should make this development stand-out to those surrounding it and provide residents with an excellent green space whilst providing a net-gain for biodiversity in the local area.

Landscape Management Plan: A 5 year maintenance plan on the soft landscaping

designs in required in order to ensure establishment of plants. This management plan should recommence for any originally planted plants requiring replacement to ensure their establishment. For the Green and Brown roof, a 3 year management is required to ensure good establishment of plants in this area.

Education

- 7.7 A £142,606.54 financial contribution is required towards secondary education on following basis. Both the primary and secondary catchment schools are full in all year groups. Places are available at Darlinghurst Primary School and at Southchurch High School. A contribution towards secondary school impact would be expected against the secondary impact of the development and the funds would be allocated to The Eastwood Academy that is being expanded, along with seven other secondary school, to accommodate the current high increase in secondary pupil numbers. On the breakdown of the number of bedrooms per unit this would be £142,606.54

Archaeology (Southend Museum)

- 7.8 The report is reasonable and covers all the issues necessary. It is very thorough and considers all of the HER data that the Council and Essex County Council possess. The fine spots may indicate previous human occupation from the Palaeolithic period, but are not significant to warrant excavations. No further action is necessary.

Drainage Engineer

- 7.9 According to the Risk of Flooding from Surface Water mapping, available on the gov.uk website, the majority of the site is at very low risk (< 0.1% Annual Exceedance Probability (AEP)) of surface water flooding. There is a small area towards the south of the site boundary which is identified at low risk (between 0.1% and 1% AEP) of surface water flooding. The site is not located in a Critical Drainage Area as defined in the Southend-on-Sea Surface Water Management Plan (SWMP, 2015). The British Geological Survey (BGS) susceptibility to groundwater flooding dataset indicates the site is located in an area of very low susceptibility to groundwater flooding. The site is situated within Flood Zone 1 according to the Environment Agency's Flood Risk from Rivers and Seas mapping. The closest waterbody to the site is the tidal estuary of the River Thames approximately 1km to the south of the site.

Infiltration - Information provided within the SuDS Assessment Report indicates that the site is underlain by London Clay. No further information provided in relation to the superficial soils. The report states that a site-specific ground investigation is to be undertaken. Details regarding the potential for ground instability or deterioration of groundwater quality as a result of infiltration have not been provided.

Drainage Plan - A drainage layout plan, provided in Appendix C of the SuDS Assessment Report, includes details of the pipe sizes and gradients and invert and cover levels for the flow control manhole. However, no information has been provided for the remaining manholes. The locations of the attenuation tanks (2 tanks each providing 90m³ of attenuation) are shown beneath the car parking area on the drainage layout plan. Runoff from the site to be attenuated and discharged

at 1.2 l/s to the public surface water sewer on Victoria Avenue. No information is provided on the exceedance flow routes for storm events exceeding the 1 in 100 year plus 40% allowance for climate change or in the event of system failure. It is stated in the SuDS Assessment Report that floodwater will be contained within the undercroft parking area with flood levels set 150mm higher than the car park to prevent flood water entering the building.

Suds Design Statement - Pre-development and post-development calculations are provided in Appendix A and B respectively of the SuDS Assessment Report. The Micro Drainage calculation sheet for the proposed SuDS shows the cellular storage can accommodate the 1 in 30 year storm event with no flooding, however only the 30 minute winter 100 year + 40% Climate Change storm event can be accommodated with no flooding. Whilst it is an acceptable strategy to have an area of the site designated to hold and/or convey water for storm events above the 1 in 30 year, flooding should not occur in any part of a building or utility plant. The car park area is integral to the proposed building on the site and the cross section plan shows a substation located on the ground floor. Micro Drainage calculations should be provided for the 1 in 100 year storm event so it can be determined if the system meets the technical standards. It should also be noted that the drain down time (i.e. 2682 minutes) exceeds 24 hours. The drainage hierarchy provides justification for proposing to connect to the public sewer. A hydrobrake flow control device with a designed flow of 1.2 l/s is proposed. No information is provided on how the proposed drainage satisfies SuDS techniques in terms of water quality and attenuation quantity for the lifetime of the development. No information is provided on the management of health and safety risks in relation to feature design. No information is provided on system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long term economic viability.

It is considered that additional information is required to satisfy planning requirements. The applicant should provide details of the information required set out below:

- Applicant to provide an updated drainage strategy, demonstrating the following:

- How the proposed drainage satisfies SuDS techniques in terms of water quality and attenuation quantity for the lifetime of the development.
- Suitable provision of drainage for storm events up to the 1 in 100 year, including protection for SuDS systems.
- An updated drainage layout plan to indicate the invert and cover level of the manholes. — An indication of overland flow routes.
- A plan illustrating the exceedance flow routes for storm events exceeding the 1 in 100 year plus 40% allowance for climate change and in the event of system failure to demonstrate how exceedance flow will be managed and mitigated on site without significantly increasing flood risks (both on site and outside the development).
- Information on the management of health and safety risks in relation to feature design. Information on system valuation (including capital costs, operation and maintenance costs, cost contributions) and a demonstration of long term economic viability.

Once these issues have been addressed, we feel that appropriately worded conditions can be placed on the permission for the consideration of the surface

water drainage strategy during detailed design. These conditions will include provision of further details on the following, prior to construction, based on our assessment of the current drainage proposals. These are subject to amendment following submission of further information as outlined above;

- Applicant to provide evidence of infiltration testing in accordance with BRE 365 to confirm infiltration is not a viable option on this specific site. If infiltration is found to be viable an updated drainage strategy should be submitted along with information in relation to the potential for ground instability or deterioration in groundwater quality as a result of infiltration;
- Applicant to provide method statement regarding the management of surface water runoff during the construction phase of the project;
- Applicant to provide evidence of consent from Anglian Water for the proposed discharge rate and connection location to the public sewer; and
- Applicant to provide details of the management and maintenance for all SuDS and how they will be secured for the lifetime of the development (maintenance plan).

[Officer Comment: it is considered that the required SuDS information including a management plan could be secured by condition.]

Anglian Water

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

Waste Water - The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows

Used water - The sewerage system at present has available capacity for these flows via a gravity discharge regime to manhole 0101 without further consultation with Anglian Water. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface water disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.

Suggested planning conditions -

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON To prevent environmental and amenity problems arising from flooding.

Essex Police Architectural Liaison and Community Safety officer

- 7.11 Essex Police would like to invite the developer to contact us with regards to discussing crime prevention through environmental design.

National Grid

- 7.12 Searches have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

[Officer Comment: The developer could be advised of this requirement in an informative.]

8.0 Public Consultation

- 8.1 A site notice was displayed on 14th June 2018, a press notice published on 22nd June 2018 and 178 neighbours were individually notified. 2 letters of representation have been received which raise the following concerns:

- The proposal has failed to demonstrate that it will have an acceptable impact on the daylight and sunlight for the residents of Baryta House which has recently been converted to residential use.
- The lack of public consultation for the scheme by the applicant is deeply disappointing. There has been no opportunity for local stakeholders to be involved in the design process.
- Concerns that the centre of Southend is being 'ghettoised' by the amount of high density housing in Victoria Avenue and that this will lead to higher levels of antisocial behaviour.
- Concern that the proposal will impact on parking in the local area.
- Concern over the impact that the proposal will have on traffic flows within Victoria Gateway.
- Concern that the development does not provide housing for lower incomes or housing suitable for lower incomes in terms of its design and service costs.
- Concerns over allowing more housing in areas of poor air quality.
- Concerns over the lack of green space.
- Concern that another tower block will not positively enhance the area.

8.2 In addition to these neighbour representations a letter has also been received from specialist daylight and sunlight consultants engaged on behalf of the owners of Baryta House. These consultants have reviewed the submitted daylight and sunlight report in relation to the implications of the proposed development on Baryta House. As this issue is key to the officer recommendation for refusal that letter is reproduced in full:

'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. Furthermore, the report provided by calfordseaden does not follow the correct methodology detailed in the BRE Guidelines and so does not constitute a proper basis upon which the scheme may be determined by Southend-on-Sea borough council. We have reviewed the revised daylight and sunlight assessment prepared by calfordseaden LLP, dated June 2018. Unacceptable daylight loss-The daylight and sunlight assessment carried out by calfordseaden has analysed the impact to Baryta House in terms of VSC, NSL/daylight distribution and APSH. The BRE Guidelines state in Paragraph 2.2.7 that "if the VSC, 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 will notice the reduction in the amount of skylight." Calfordseaden have not proposed any alternative target values as recommended in Appendix F of the BRE Guidelines and so by assume that the appropriate loss is no more than 20% as stated by the BRE Guidelines.

In daylight terms, only 52 out of 156 windows will meet the BRE Guidelines for VSC (i.e. losing <20% VSC) with 24 windows coming within 10% of meeting. Of the remaining 80 windows, 78 serve habitable space and will experience reductions of up to 77%. Indeed, there are living rooms between the ground and second floor that will lose between 52% and 77% VSC; a number of these have existing levels of VSC that are well in excess of 27% but with the proposed development at 27 Victoria Avenue in place would only retain absolute levels of only around 8% VSC. These results are well below the recommendations in the BRE Guidelines and the report produced by calfordseaden, demonstrating that there will be a substantial and very harmful effect on daylight, does not provide any justification for these very low levels of daylight.

In sunlight terms, the BRE Guidelines states in paragraph 3.2.4 that if a window receives "more than one quarter of APSH, including at least 5% of APSH in the winter months between 21 September and 21 March, then the room should still receive enough sunlight." The report undertaken by calfordseaden states that only two windows will have a reduction to sunlight hours and all remaining windows will meet the BRE target. However, the BRE Guidelines makes clear in paragraph 3.2.6 that "if the available sunlight hours are both less than the amount above and less than 0.8 times their former value, either over the whole year or just in the winter months then occupants of the existing building will notice the loss of sunlight." Therefore, in accordance with the BRE Guidelines there are in actual fact six windows that do not meet the BRE Guidelines for both annual and winter sunlight. Two of these windows serve main living rooms, R2 on the ground floor served by W5 and R11 on the first floor served by W22, which the BRE Guidelines makes clear are most sensitive for sunlight. There will therefore be a substantive harmful effect on sunlight to neighbouring residential property well below the BRE Guidelines.

Overall, therefore, calfordseaden does not provide any justification for the substantial daylight and sunlight impact to Baryta House. The very low levels of daylight and sunlight are therefore, in our opinion, unacceptable and in breach of local planning policy on daylight and sunlight. Incorrect interpretation of the BRE Guidelines-The BRE Guidelines state that a window may be adversely affected if its VSC measured at the centre of the window is less than 27% and less than 0.8 times its former value. The VSC assessment undertaken by calfordseaden in their daylight and sunlight report only provides commentary on the remaining absolute levels of VSC and does not include commentary on the VSC results in percentage terms either within the main body of the report or the Appendices. This is an oversight and does not constitute a proper interpretation of the BRE Guidelines.

The daylight and sunlight report carried out by calfordseaden states that they have “only been able to obtain planning drawings of the permitted development scheme reference: 16/00297/PA3COU these only outline the flats they do not show the detailed flat layouts.” The report states that “it is possible that some of the rooms are non-habitable and could therefore be discounted,” however, the flat layouts show that all but two windows facing the development site serve habitable space. Since the report did not use the actual room layouts for Baryta House the results for this analysis cannot be relied upon. The daylight and sunlight report does not provide window maps for those windows analysed which should have been included in order to constitute a full and proper report. In our opinion, the calfordseaden report does not properly follow the methods detailed in the BRE Guidelines to allow a proper determination of the daylight and sunlight impact.

In summary, therefore, the daylight and sunlight impact to main habitable rooms at Baryta House is unacceptable and in significant breach of the BRE Guidelines and thus in our opinion of local planning policy. Furthermore, in our opinion the report provided by calfordseaden to accompany the planning application does not provide a full and proper interpretation of the daylight and sunlight results and so cannot be relied upon by planning officers to make a proper determination of the daylight and sunlight impact from the scheme. There will clearly be a substantial and unjustified loss of daylight and sunlight to habitable rooms at Baryta House and the scheme should therefore be refused permission on these grounds.’

[Officer Comment: The implications of the development on the daylight and sunlight for Baryta House are considered in detail in Section 4 above.]

9.0 Relevant Planning History

- 9.1 18/01205/FUL - Use site as a temporary car park – granted
- 9.2 13/00060/FUL - Application for variation of condition 01 to extend the time period to 01/02/2015 of planning permission 12/00322/FUL granted on 07/06/2012 for use of the site as a temporary car park following demolition – granted
- 9.3 12/00322/FUL - Use site as temporary car park following demolition – granted

9.4 11/01553/DEM - Demolish Portcullis House (Application for Prior Approval for Demolition) – granted

Recommendation

Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

01 The proposal would have an unacceptable impact on the amenity and living conditions of the adjoining residents in terms of daylight and sunlight to habitable rooms in the south elevation of Baryta House. The application is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and Southend Central Area Action Plan (SCAAP) (2018) policy DS3 and the guidance contained within the Design and Townscape Guide (2009).

02 The application does not include a formal undertaking to secure a suitable contribution towards affordable housing provisions incorporating a satisfactory review mechanism to meet the demand for such housing in the area. Formal undertakings to secure contributions to the delivery of education facilities, to meet the need for such infrastructure generated by the development, and to provide highways works and transport mitigation measures needed to achieve an appropriately sustainable form of development are also absent. In the absence of these undertakings the application is unacceptable and contrary to the National Planning Policy Framework (2018), Policies KP2, KP3, CP4, CP6 and CP8 of the Core Strategy (2007), Policy DM7 of the Development Management Document (2015) and Policy PA8 of the Southend Central Area Action Plan (SCAAP) (2018).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Informatives

01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.