

Reference:	20/00315/FUL	
Application Type:	Full Application	
Ward:	Victoria	
Proposal:	Erect four storey building comprising 9no. flats with undercroft car park and reconfigure car park to rear of Baryta House	
Address:	Baryta House, Victoria Avenue, Southend-On-Sea	
Applicant:	Shaviram Southend Limited	
Agent:	Mr Daniel Rose of D. Rose Planning LLP	
Consultation Expiry:	10 th June 2020	
Expiry Date:	10 th July 2020	
Case Officer:	Charlotte White	
Plan Nos:	205 P04, 204 P04, 204, 202 P05, 200 P05, 206 P03, 203 P04, 0003 A01	
Recommendation:	GRANT PLANNING PERMISSION, subject to conditions	



1 Site and Surroundings

- 1.1 The application site is not quite rectangular in shape and is located between Victoria Avenue and Baxter Avenue. It is on the eastern side of Baxter Avenue and the western side of Victoria Avenue and is slightly wider towards Baxter Avenue. The site is currently occupied by a tall, 12 storey building which fronts Victoria Avenue which was recently converted from offices to residential units. To the rear of the site, near Baxter Avenue is the surface car parking.
- 1.2 The surrounding area is largely residential, following the conversion of the majority of the tall buildings in this location from offices to residential flats. The scale of the buildings fronting Victoria Avenue is greater than those to the rear in Baxter Avenue.
- 1.3 The site has no specific allocation within the Development Management Document Proposals Map, but it is located within the Victoria Gateway Neighbourhood Policy Area of the SCAAP (Southend Central Area Action Plan).

2 The Proposal

- 2.1 Planning permission is sought to construct a detached 4 storey block of 9 self-contained flats with undercroft parking, located to the rear of the site and fronting on to Baxter Avenue. The proposed building has a flat roof with inset balconies.
- 2.2 The proposed block of flats measures 23.3m x 13.3m with a height of some 12.4m.
- 2.3 The accommodation proposed comprises:
- 2.4 Ground floor: 8 undercroft parking spaces with 6 spaces to the rear that are located partially within an overhang/undercroft arrangement, entrance lobby, stair core, cycle store, refuse store and plant room.
- 2.5 First floor: 3x flats:
 - Flat 1: 3 bedroom, 4 person unit measuring 75sqm with bedrooms of 12.2sqm, 8.7sqm and 7.5sqm with a balcony of some 9.5sqm.
 - Flat 2: 2 bedroom 3 person unit measuring 67sqm with bedrooms of 12.1sqm and 9.3sqm and a balcony of some 9.5sqm.
 - Flat 3: 2 bedroom, 3 person unit measuring 65sqm with bedrooms of 11.6sqm and 9.6sqm and a balcony of some 6.5sqm.
- 2.6 Second floor: 3x flats:
 - Flat 4: 3 bedroom, 4 person unit measuring 75sqm with bedrooms of 12.2sqm, 8.7sqm and 7.5sqm with a balcony of some 9.5sqm.
 - Flat 5: 2 bedroom 3 person unit measuring 67sqm with bedrooms of 12.1sqm and 9.3sqm and a balcony of some 9.5sqm.
 - Flat 6: 2 bedroom, 3 person unit measuring 65sqm with bedrooms of 11.6sqm and 9.6sqm and a balcony of some 6.5sqm.
- 2.7 Second floor: 3x flats
 - Flat 7: 3 bedroom, 4 person unit measuring 75sqm with bedrooms of 12.2sqm, 8.7sqm and 7.5sqm with a balcony of some 9.5sqm.
 - Flat 8: 2 bedroom 3 person unit measuring 67sqm with bedrooms of 12.1sqm and

- 9.3sqm and a balcony of some 9.5sqm.
- Flat 9: 2 bedroom, 3 person unit measuring 65sqm with bedrooms of 11.6sqm and 9.6sqm and a balcony of some 6.5sqm.

2.8 The proposed block of flats is located on an existing parking area. The submitted plans indicate that immediately surrounding the proposed flats, to the north and east there will be 15 parking spaces, 2 of which would be accessible spaces for people with mobility problems (this includes the 6 semi-undercroft spaces referred to above). A further 34 surface car parking spaces will be provided to the north-east of the proposed flats.

2.9 In terms of materials, the information submitted states *'The scheme will entail a yellow/cream coloured stock face brickwork...complemented by offsets of smooth through coloured render of white/grey...'* Light grey window frames are proposed. It is stated that *'The ground floor will feature brick corbeling at every 6th course and will be either be a matching brick to the façade or a contrasting brick. Stone heads will be used above all the windows and openings...this stone head will project out forming a canopy over the main entrance point and refuse store'*

3 Relevant Planning History

3.1 16/02168/FUL - Erect eleventh floor extension to form four self-contained flats with roof terrace, provision of cycle and car parking and alter elevations – Planning permission granted.

3.2 17/02182/AD - Application for approval of details pursuant to condition 05 (details of parking allocation, refuse and cycle stores), condition 06 (details of water efficiency) and condition 07 (details of renewables) of planning permission 16/02168/FUL dated 31.03.2017 – Granted.

[It is noted that this approval of details permitted the provision of 2 allocated parking spaces for the 4 flats]

3.3 17/02176/NON - Replace plan numbers PL 06 D with PL 06 F 010 reconfiguration of parking layout (Non-material Amendment to Planning Permission 16/02168/FUL Erect eleventh floor extension to form four self-contained flats with roof terrace, provision of cycle and car parking and alter elevations dated 31.03.2017 – non-material amendment granted.

[It is noted that the reconfigured car park layout that was approved under this non-material amendment application retained 74 parking spaces including 1 disabled space.]

3.4 17/01969/AD – Application for approval of details pursuant to condition 03 (details of screening) of planning permission 16/02168/FUL dated 31.03.2017 – granted.

3.5 17/01928/NON - Replace plan numbers PL_47F, PL_48F, PL_49D, PL_50F, PL_51D, PL_52A with PL_47G, PL_48G, PL_49E, PL_50G, PL_51F, PL_52B (Non-material Amendment to Planning Permission 16/02168/FUL Erect eleventh floor extension to form four self-contained flats with roof terrace, provision of cycle and car parking and alter elevations dated 31.03.2017 – non-material amendment granted.

- 3.6 17/01084/AD - Application for approval of details pursuant to condition 01 (details of waste management) of application 16/00297/PA3COU dated 20.04.2016 – granted.
- 3.7 16/02168/FUL - Erect eleventh floor extension to form four self-contained flats with roof terrace, provision of cycle and car parking and alter elevations – planning permission granted.
- 3.8 16/00297/PA3COU - Change of use of existing building from office (Class B1(a)) to one hundred and five flats (Class C3) (Prior Approval) – Prior approval granted.
- 3.9 15/01487/CLE - Use as self-contained flat (Lawful Development Certificate - Existing) – Lawful.
- 3.10 15/00953/PA3COU - Change of use of existing building from office (Class B1(a)) to one hundred and two flats (Class C3) (Prior Approval) – Prior approval granted.
- 3.11 15/00926/FUL - Replace existing cladding and windows to all elevations – Planning permission granted.
- 3.12 16/02004/AMDT - Application to vary conditions 02 (Approved plans, to alter fenestration and remove escape stair) and remove Condition 3 (samples of materials) (Minor Material Amendment to planning permission 15/00926/FUL replace existing cladding and windows to all elevations dated 06.08.2015) – Planning permission granted.
- 3.13 15/00322/PA3COU - Change of use from office use (Class B1a) to 72 self-contained flats (Class C3) under Prior Notification of Class J (Town and Country Planning General Permitted Development Order 1995 (As Amended) Class J, Part 3, Schedule 2 – Prior approval granted.

4 Representation Summary

4.1 Public Consultation

296 neighbouring properties were consulted and a site notice displayed. There was a re-consultation following the submission of amended plans during the course of the application. 5 letters of representation have been received which make the following summarised comments:

- Residential amenity concerns.
- Loss of light.
- Overlooking and loss of privacy.
- Parking concerns – loss of parking, insufficient parking, car park already full with no visitor parking and already difficultly manoeuvring within the car park.
- Car parking not properly controlled.
- Concerns relating to construction noise and disturbance plus already suffering noise and disturbance from adjacent building site.
- Concerns relating to parking availability during construction.
- Concerns relating to existing lack of disabled access and disabled parking.
- Queries regarding the number and allocations of disabled parking provisions proposed, the manoeuvrability of the amended car park, disabled parking provision during construction and the accessibility of paths and provision of ramps.
- Antisocial behaviour concerns and concerns relating to drug dealing.
- Concerns relating to content of parking justification statement submitted.

- Inaccurate information submitted in relation to distance of the site from Southend High School for Boys – there are 4 various education facilities within a 2km walking distance of the site.
- There is still a need for parking despite the location of the site.
- Reason for low car ownership here is because there is a lack of parking facilities in and around the town centre. Concerns raised census data is also outdated.
- Concerns that existing Baryta House residents risk losing their allocated parking spaces and will not be permitted resident parking permits to park elsewhere in surrounding area.

The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 This application was referred to the Development Control Committee by Cllr Gilbert.

4.3 **Parks**

Would request a condition be introduced to agree the landscaping scheme. Additionally, it is likely the street tree on Baxter Avenue outside of the proposed development site would require protection measures throughout construction.

4.4 **Highways Team**

There are no highway objections to this revised application. Future occupiers will not be eligible for a town centre or residential parking permit.

4.5 **Environmental Health**

Noise

The submitted report indicates that despite shielding from Baryta House (which is part of the development red line) noise levels in the proposed site would have a significant adverse health effect if not mitigated. The report goes provide criteria to which the building fabric, roof and glazing should be built to provide desirable levels of internal levels of noise. This would also require an alternative form of ventilation to maintain the internal levels.

It is not evident that any of the design of the building has been influenced by the noise impact assessment e.g. locating bedrooms at the quietest facades. The author states that the noise levels within the dwellings will be dependent on the configuration as well as the materials.

This could be incorporated into the design if a permission is granted as part of the mitigation measures.

In the current configuration it appears that windows cannot be opened for ventilation and purging without causing adverse internal noise levels. Regulatory Services will always wish for dwelling to have openable windows in accordance with WHO criteria for dwellings and wellbeing. Therefore we would want the configuration of proposed dwellings to reflect this before permission is granted.

However if the LPA is minded to grant permission a planning permission a condition is recommended requiring a scheme for the protection of occupiers from noise from traffic and any existing noise.

Contamination

I have reviewed the Phase 1 Desk Study by Lustre Consulting dated May 2020 and reference 3600-200514. The report concludes that there is minimal risk to the end users so much so that it is doubtful that the site would be regarded as contaminated land under Part 2A of the EPA 1990 in the future once developed. From the information therefore no further investigation is necessary. I tend to agree with this as it is most likely that any risk will be a health and safety at work matter. The report recommends a watching brief so if a permission is granted an appropriate condition will be recommended.

Air Quality

The report is comprehensive, technically robust with sound methodology, and therefore acceptable.

Conditions recommended relating to contamination, construction/demolition statement, noise, waste management and external illumination.

4.6 **Design Team**

Concerns raised relating to parking resulting in an inactive frontage, the forward position of the building, lack of soft landscaping, the car sized opening to the front which only provides pedestrian access which reduces soft planting areas further. It is also queried whether a public pedestrian/cycle access route to Victoria Avenue could be provided, perhaps via No.27 by removing the intervening fence. The site would benefit from soft landscaping to the open parking area which would uplift the area and improve the outlook to the new flats Query why balconies provided to the north where they would receive limited sunlight. Indicative landscape scheme should be provided.

Officer comment: amended plans were subsequently submitted to address these concerns during the course of the application

4.7 **Fire Service**

No objections - detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019) and National Design Guide (2009)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) & CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon and Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009)
- 5.5 Southend Central Area Action Plan (SCAAP) (2018) Policies DS5 (Transport, Access and Public Realm), PA8 (Victoria Gateway Neighbourhood Policy Area Development Principles), Opportunity Site PA8.1

5.6 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area, residential amenity considerations, living conditions for future occupiers, parking and transport issues, sustainability and CIL (Community Infrastructure Levy).

7 Appraisal

Principle of Development

7.1 The principle of the development is assessed against National Planning Policy Framework; Core Strategy Policies KP1, KP2, CP1, CP4 & CP6, Development Management Document Policies DM1, DM3 & DM8 and the Design and Townscape Guide. Government guidance contained within the National Planning Policy Framework (NPPF) encourages effective use of land by re-using land that has been previously developed.

7.2 The site is located within Opportunity Site PA8.1 (Victoria Avenue Office Area) within the SCAAP which states *'planning permission will be granted for comprehensive redevelopment of the site, or incremental development within the area, to transform it into a sustainable mixed use community with high quality developments...'*

7.3 The site is previously developed land and Core Strategy Policy CP8 supports the provision of dwellings on such land, subject to detailed considerations, where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough. The proposed development would help towards meeting the Council's target for housing provision in this area. The provision of housing in this location is also supported within the SCAAP.

7.4 The proposed development constitutes infill development. Policy DM3 of the Development Management Document in respect of infill development states:

"All development on land that constitutes backland and 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; or*
- (ii) Conflict with the character and grain of the local area; or*
- (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
- (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."*

7.5 Policy DM3 is discussed in more detail below however, there would be no loss of local ecological assets including wildlife habitats and significant or protected trees. The impact upon the amenities of neighbouring occupiers and the character of the area is assessed in more detail below.

- 7.6 Policy DM7 states that *“the Council will look favorably upon the provision of family size housing on smaller sites, particularly where the surrounding building types provide an appropriate context for this type of development to be included within a scheme”*. The plans indicate that the development would provide 3x 3-bedroom units and 6x 2-bedroom units and would therefore provide an acceptable mix and new family units which is positive.

Design and Impact on the Character of the Area

- 7.7 The proposal is considered in the context of the Borough Council policies relating to design including Core Strategy Policies KP2 and CP4, Development Management Policies DM1, DM3 and the Design and Townscape Guide.
- 7.8 Paragraph 124 of the NPPF states *“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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process”*.
- 7.9 Paragraph 127 of the NPPF states *“Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”*.
- 7.10 Policy KP2 of the Core Strategy requires all new developments to respect the character and scale of the existing neighbourhood where appropriate. Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.

- 7.11 Policy DM1 of the Development Management Document states, *“The need for good quality, innovative design that contributes positively to the creation of successful places. All developments should draw reference from the relevant design principles set out in the ‘Design and Townscape Guide’, and where a Design and Access Statement is required demonstrate within this how the relevant principles have been addressed to achieve high quality, sustainable design. In order to reinforce local distinctiveness all development should respect and enhance the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features. Provide appropriate detailing that contributes to and enhances the distinctiveness of place; Contribute positively to the space between buildings and their relationship to the public realm; Protect the amenity of the site, immediate neighbours, and surrounding area”.*
- 7.12 The site is located within Opportunity Site PA8.1 (Victoria Avenue Office Area) within the SCAAP which states *‘planning permission will be granted for comprehensive redevelopment of the site, or incremental development within the area, to transform it into a sustainable mixed use community with high quality developments, this will include an acceptable mix of uses focused on residential uses to upper floors...full integration with the surrounding area through the provision of pedestrian and cycling routes, to improve access and linkages...urban greening projects, including the use of green walls and roof gardens, comprehensive landscaping...’*
- 7.13 In terms of scale the information submitted with the application states *‘The height will be respectful and not look to surpass the height of Cumberland House or the most outward projection of Catherine Lodge.’* The scale in the area is mixed with tall buildings to the east of the site fronting Victoria Avenue. The buildings located on and fronting the eastern side of Baxter Avenue have a reduced scale compared to those in Victoria Avenue but have a greater scale than the buildings on the western side of Baxter Avenue which includes rows of Victorian/Edwardian 2 storey dwellinghouses.
- 7.14 To the north of the site, on the eastern side of Baxter Avenue is Kingswood House which is 5 storeys in scale and to the south is Cumberland House which is 4 storeys in scale. From the plans submitted it is evident that the development would have a lower height than the adjoining Cumberland House. As such the overall height and the 4 storey scale of the proposed development is acceptable and would not be out of keeping with the scale and height of the surrounding development. Taking account of the size, widths, depths and designs of the surrounding buildings it is considered that the form, mass and bulk of the development is also acceptable and would not be out of keeping with or harmful to the character and appearance of the site or the wider surrounding area.
- 7.15 In terms of siting, concern was originally raised that the proposed development would be located very close to Baxter Avenue, with the building originally proposed to be located some 0.6m from the boundary of the site with Baxter Avenue. Whilst buildings within Baxter Avenue are located close to the site boundaries, typically a minimum of some 1.5m is provided between the buildings and Baxter Avenue. As such, the scheme was amended during the course of the application. The building has been set back 1.8m from Baxter Avenue and has a similar building line to Cumberland House, to the south of the application site. As such, it is considered that the amended proposal is of an appropriate siting and would not result in any material harm to the character or appearance of the site or the wider surrounding area in this respect.

- 7.16 In terms of detailed design, on balance, the undercroft parking proposed, although not feature of strong design, is considered acceptable in this instance, given the extent of landscaping proposed to the front of the site. The proposal also includes a prominent entrance to the development on Baxter Avenue which is positive. The materials, fenestration design and detailing proposed is considered acceptable.
- 7.17 In terms of landscaping, limited details have been provided at this stage, but the Design and Access Statement submitted does outline that there will be feature tall trees to shroud the frontage with tree and planting beds to create a feature active link between the undercroft parking and Baxter Avenue, minor tree pits to the existing car park are also proposed, with low level hedging to the front boundary and planting beds adjacent to walkways. Subject to a full landscaping condition no objection is therefore raised on this basis.
- 7.18 Overall, it is considered that the proposal is of an acceptable overall scale, form, mass, siting and design. The development is acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.19 The proposal is considered in the context of Policy CP4 of the Core Strategy and Policies DM1 and DM3, which requires all development to be appropriate in its setting by respecting neighbouring development, existing residential amenities and overall character of the locality.
- 7.20 The proposed development would be located some 14.3m from the existing block of flats at Baryta House to the east, some 7m from the flank elevation of Cumberland House to the south, some 8.6m to 12.4m from the front of Catherine Lodge on the western side of Baxter Avenue and would be located some 29m from the flank of Kingswood House to the north. Given these separation distances and the scale and configuration of these existing adjoining developments, it is considered that the proposal would not result in any material dominance, overbearing impact or material sense of enclosure to the adjoining and nearby residents.
- 7.21 In terms of impacts on light, outlook and overshadowing, a daylight study plan has been submitted and it is evident that the development would result in some overshadowing impacts, but from the information submitted and given the separation distances provided it is considered that the development would not result in any material loss of light, outlook or overshadowing to adjoining and nearby residents.
- 7.22 In terms of overlooking, Cumberland House to the south of the site has a number of flank windows facing the application site. The proposed development would be located some 7m from the flank wall of Cumberland House. It is apparent from business rates information available that Cumberland House is used for commercial purposes. Given these circumstances, it is considered that in this instance, the development would not result in any material overlooking or loss of privacy to the south.
- 7.23 The proposed development would be located some 29m from Kingswood House to the north and as such would not result in any material overlooking or loss of privacy in this respect. Catherine Lodge to the front of the site is located some 8.6m to 12.4m from the proposed development.

Given this degree of separation and the fact that Baxter Avenue is located between the two sites which is a space that is already open to public gaze, it is considered that the development would not result in any material overlooking or loss of privacy to the west. A separation of some 14.3m would be provided between the proposed development and the existing building at Baryta House. Given the urban nature of the site, where a degree of overlooking is to be expected, and informs the characteristics of local types and levels of amenity, and given the existing relationships between other blocks in the area, it is considered that this is an acceptable relationship that would not result in any material overlooking or loss of privacy on balance.

7.24 In terms of noise and disturbance, given the mainly residential character of the area and the relatively limited scale of the development (9 dwellings), it is considered that the development would not result in any material noise and disturbance to adjoining residents.

7.25 The development is acceptable and policy compliant in the above regards.

Standard of accommodation

7.26 Paragraph 127 of the NPPF 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”*. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 3 bedroom (4 person bed space) 1 storey dwelling shall be 74sqm and for a 2 bedroom (3 person bed space) 1 storey dwelling shall be 61sqm.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace 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 floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.
- Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.
- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bed space.
- 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 the Code for Sustainable Homes Technical Guide and any 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.

- 7.27 All of the proposed self-contained flats are of acceptable sizes, exceeding the minimum sizes required by the technical housing standards and the bedrooms are of acceptable sizes. The development is acceptable in this respect.
- 7.28 All habitable rooms are to be provided with windows to provide adequate levels of light, outlook and ventilation.
- 7.29 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 7.30 The Council's Design and Townscape Guide states: *"Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development"*.
- 7.31 The applicant states *'Private amenity will be provided to every dwelling via terraces off the living area. The amenity provided will consist of 2 bedroom apartments with 9.5sqm and 6.5sqm and 3 bedroom apartments with 9.5sqm.'*
- 7.32 Whilst it is unfortunate that no communal outside space is proposed, especially given the family sizes of the flats, in this instance, on balance, the private balcony areas proposed are considered adequate to meet the requirements of future occupiers in this respect.
- 7.33 Policy DM8 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 and it is considered that these standards should now provide the basis for the determination of this application.
- 7.34 The information submitted in the Design and Access Statement states *'All proposed accesses to the dwelling will meet current part M requirements and level thresholds will be provided to allow disabled access.'* The applicant's Agent has also confirmed that the development will be M4(2) compliant. The development is therefore acceptable in this respect.
- 7.35 In terms of cycle storage, there is a dedicated, secure and covered cycle store proposed at ground floor and the information submitted states *'The scheme allows for an integral cycle store, either wall or floor mounted cycles.'*

- 7.36 In terms of waste the information submitted states *'The scheme allows for all units to have their refuse and recycling to be stored within an integral refuse store with access externally from the side elevation.'*
- 7.37 Given the information provided and the nature and size of the dedicated cycle and refuse and recycling stores proposed, subject to conditions requiring their provision and subsequent retention for use by the occupiers, the development is considered acceptable in this regard and no objection is raised on this basis.
- 7.38 In terms of noise conditions for any future occupiers, the Environmental Health Team originally raised concerns due to the proposed development's location on Victoria Avenue which has been identified under the European Noise Directive as being within the highest levels of exposure from traffic noise where some levels are on average 75dB(A). Environmental Health raised concerns that no noise impact assessment had been submitted to demonstrate how future occupiers will be protected from noise. A desktop noise survey has now been submitted which states *'...the proposed development is considered 'medium risk'. As there are multiple residential dwellings in similar proximity to the main noise sources, it is thought that provided good acoustic design is implemented then the amenity of future occupants can be fully protected.'*
- 7.39 The submitted report states *'The noise levels within the proposed dwellings will be dictated by the configuration, materials and elements of the façade. The non-glazed elements of the façade will contribute significantly to the reduction of ambient noise levels in combination with superior quality appropriate acoustic glazing specification.'* Section 4.2.2 of the report recommends measures relating to the design and nature of the facades, roofs, glazing and ventilation. Environmental Health have recommended a condition in this respect. Subject to such a condition no objection is raised on this basis.
- 7.40 In terms of land contamination, the Environmental Health Team originally commented that the application should have been submitted with a phase 1 risk assessment for contamination. The application has now been submitted with a Phase 1 Desktop study. Environmental Health have subsequently commented that the report submitted concludes that there is minimal risk to the end users and as such no further investigation is necessary. Environmental Health concur with these findings, stating that any risk will be a health and safety at work matter. However, a condition requiring a watching brief is recommended by Environmental Health. Subject to such a condition no objection is raised on this basis.
- 7.41 The Environmental Health Team also raised concerns that no evidence of the potential impact on future occupiers of the site from the local air quality had been submitted, which is required given the classification of Victoria Avenue. An Air Quality Assessment has now been submitted which concludes that there is no need to consider building mitigation and that the proposals are acceptable in terms of air quality impacts. In this respect Environmental Health have comment that the report is comprehensive, technically robust with sound methodology, and therefore acceptable. No objection is therefore raised on this basis.
- 7.42 In summary, subject to condition, it is considered that the development would provide adequate living conditions for future occupiers.

Traffic and Transportation Issues

- 7.43 Policy DM15 of the Development Management Document states *'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...Access to the proposed development and any traffic generated must not unreasonably harm the surroundings'*
- 7.44 Policy DM15 of the Development Management Document states *'All development should meet the parking standards (including cycle parking) set out in Appendix 6. 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.'* The parking standards set out in Appendix 6 requires a minimum of 1 parking space per flat.
- 7.45 The application has been submitted with a parking justification statement which states *'At present, the Baryta House site consists of 113 residential flats which have an associated 75 car parking spaces (including 1 disabled parking space). The existing car park offers a provision of 0.66 spaces per residential unit...Proposals will result in a total provision of 122 flats/apartments within the Baryta House site, with a provision of 59 car parking spaces (including 3 disabled parking spaces), this would result in a net loss of 16 spaces across the site, at a ratio of 0.48 spaces per residential unit. Although a reduction to the existing provision of car parking is proposed, the site is located within a central Southend-on-Sea area, within easy walking distance to public transport, local facilities and services...In addition to this the local car ownership of the area is 0.32 cars per flat, a level which is exceeded by the proposed car parking provision for the site.'* It is proposed to utilise the existing access to the site.
- 7.46 The application has been submitted with swept path analysis tracking plans which demonstrate that the 8 parking spaces proposed within the undercroft will all be accessible.
- 7.47 The access is not sought to be altered and the swept path analysis indicates that the car parking spaces will be accessible. The reduction of parking spaces across the site from 75 to 59 is noted, but given the highly sustainable location of site; located close to frequent and high quality public transport, and close to the town centre and its shops and services it is considered that the parking provided is adequate in this instance. It is also noted that when planning permission was granted to construct an additional storey at Baryta house, 4 additional flats were granted planning permission with the provision of 2 parking spaces, which is a similar parking ratio as that hereby proposed. The highways team have raised no objection to the proposal, taking account of the robust parking information submitted, with accompanying census data and the sustainable location of the site.
- 7.48 The neighbour concerns regarding accessible access and parking are noted. Given that this development would provide 2 additional accessible spaces and given that the applicant's agent has confirmed that the new self-contained flats would be building regulations part M4(2) compliant, no objection is raised on this basis. It is also noted that the Highways Team have commented that the provision of 3 accessible spaces is acceptable.

7.49 The development is acceptable and policy compliant in the above regards on balance.

Sustainable Construction

7.50 Core Strategy Policy KP2 and the Design and Townscape Guide require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. The information included within the Design and Access Statement indicates that photovoltaic panels will be provided on the roof. Full details have not been submitted in this regard, but could be secured via condition if the scheme is otherwise considered acceptable.

7.51 Policy DM2 states that water efficient design measures should be incorporated into development. Whilst details have not been submitted for consideration, this can be dealt with by condition.

Community Infrastructure Levy (CIL)

7.52 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of some 838.8sqm, which may equate to a CIL charge of approximately £21,550.71 (subject to confirmation).

8 Conclusion

8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development and the development would provide adequate living conditions for any future occupiers of the site. This application is therefore recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: 205 P04, 204 P04, 204, 202 P05, 200 P05, 206 P03, 203 P04, 0003 A01

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

- 03** Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site including facing materials, roof detail, windows, doors and balustrades have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials, details and specifications before the dwellings hereby approved are first occupied.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 04** Notwithstanding the details shown on the plans hereby approved no development shall take place, other than demolition ground and site preparation works, until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces and all means of enclosing the site.

All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of any of the residential or commercial units within the development. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to occupation of any part of the development hereby approved.

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

- 05** The development shall not be first occupied until 59 on site car parking spaces have been provided on site and made available for use in full accordance with drawings 205 P04 and 202 P05 in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

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

- 06 No part of the development hereby approved shall be first occupied unless and until a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out solely in accordance with the approved details for the lifetime of the development.**

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 07 Before the development is first occupied, the development hereby approved shall be carried out in a manner to ensure that all of the flats hereby approved comply with the building regulation M4(2) 'accessible and adaptable dwellings' standard.**

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

- 08 Prior to the first occupation of the development hereby approved a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of any part of the development. This provision shall be made for the lifetime of the development.**

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

- 09 Prior to first occupation of the development hereby approved water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be installed in the development hereby approved and be retained in perpetuity thereafter.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

- 10 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.**

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 11** No part of the development hereby approved shall be first occupied until a waste management plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out solely in accordance with the approved details which shall include details of refuse and recycling storage facilities and waste servicing arrangements.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 12** The development shall not be first occupied until a minimum of 9 secure, covered cycle parking spaces to serve the development as shown on drawing 202 P05 have been provided at the site and made available for use for occupiers of the development in full accordance with the approved plans. The approved facility shall be permanently maintained thereafter.

Reason: To ensure the provision of adequate cycle parking in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3, DM8 and DM15 of Development Management Document (2015).

- 13** The development shall be undertaken in strict accordance with the findings, recommendations and conclusions as set out in section 4.2.2 of the approved Desktop Noise Survey by Nova Acoustics dated 11th May 2020 reference 4537CF Rev. A and notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development above ground level shall be undertaken unless and until full details of the acoustic properties of the development including all glazing and ventilation have been submitted to and approved in writing by the local planning authority. The development must be undertaken in accordance with the approved details prior to the first occupation of the development and thereafter retained as such in perpetuity.

Reason: To safeguard the residential amenity of future occupiers in accordance with policy DM1 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 14** In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must cease and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority. This shall be conducted by a competent person and in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not be occupied until the measures set out in the approved report have been implemented.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) Policies KP2 and CP4 and Policies DM1 and DM14 of the Development Management Document (2015).

- 15 No development shall be undertaken unless and until full details of tree protection measures to be provided to off-site trees that are to be retained as part of the development or will be affected by their proximity to the development have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved tree protection measures thereafter.**

Reason: This pre-commencement condition is required in the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

- 16 Prior to the first occupation of the development hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.**

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 17 Notwithstanding the details shown in the plans submitted and otherwise hereby approved the development hereby granted shall not be occupied unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design and materials and location of all privacy screens to be fixed to the proposed building. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.**

Reason: In the interests of the residential amenity of adjoining and future residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

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

Informatives:

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**
- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**
- 03 Future occupiers will not be eligible for a town centre of residential parking permit.**